E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
7/12/2023 12:05 AM

RECORD EXTRACT OF APPELLANT

IN THE
APPELLATE COURT
OF MARYLAND

September Term 2023,
No. 61

JUSTIN HOLDER

Appellant

V.

BENJAMIN ESTES

Appellee

Appeal from the Circuit Court of Washington County
The Honorable Andrew F. Wilkinson

RECORD EXTRACT

Volume 6A

JUSTIN HOLDER
APPELLANT

1986 ch. 427

2/14/2/3

1789

HOUSE BILL No. 211
(61r1262) M1

Introduced by Delegate Young (Departmental - Natural Resources)

Read and Examined by Proofreader:

E. Fitzgerald
Proofreader.

B. Francis
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this 27 day of April at ____ o'clock, ___ M.

Benjamin L. Cardin
Speaker.

CHAPTER 427 MAY 13 1986

AN ACT concerning

Natural Resources - Recreational Use of ~~State Waters~~ the Potomac River

FOR the purpose of authorizing the Secretary of Natural Resources to adopt regulations to foster water safety for recreational uses of ~~the State waters~~ a certain section of the Potomac River, including swimming, bathing, wading, diving, tubing, rafting, and other uses involving contact with the water; making the Secretary responsible for administering a program of water safety for recreational uses of ~~waters of the State~~ a certain section of the Potomac River; ~~and~~ providing a penalty for violations of Departmental regulations; and providing that nothing in this subtitle is intended to affect or limit certain powers and duties of the Secretary of Health and Mental Hygiene.

BY adding to

Article - Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Script denotes opposite chamber/conference committee amendments.

HOUSE BILL No. 211

Section 1-601, 1-602, 1-603, ~~and~~ 1-604, and 1-605 to be under the new subtitle "Subtitle 6. Recreational Use of ~~State-Waters~~ the Potomac River"
Annotated Code of Maryland
(1983 Replacement Volume and 1985 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

SUBTITLE 6. RECREATIONAL USE OF ~~STATE-WATERS~~ THE POTOMAC RIVER

1-601.

IT IS THE POLICY OF THE STATE TO FOSTER WATER SAFETY FOR RECREATIONAL USES OF THE ~~STATE-WATERS~~ POTOMAC RIVER, INCLUDING SWIMMING, BATHING, WADING, DIVING, TUBING, RAFTING, AND OTHER USES INVOLVING CONTACT WITH THE WATER. THERE IS A PARTICULAR NEED TO RESTRICT THE RECREATIONAL USE OF CERTAIN WATERS KNOWN TO BE HAZARDOUS TO PERSONAL SAFETY SOME OR ALL OF THE TIME, SPECIFICALLY, THAT SECTION OF THE POTOMAC RIVER BEGINNING AT THE DISTRICT OF COLUMBIA AND MARYLAND BOUNDARY LINE WHICH CROSSES THE POTOMAC RIVER APPROXIMATELY ONE-HALF MILE NORTH OF CHAIN BRIDGE AND CONTINUING UPSTREAM TO A LINE ACROSS THE POTOMAC RIVER AT EDWARDS FERRY ROAD.

1-602.

THE SECRETARY IS RESPONSIBLE FOR ADMINISTERING A PROGRAM OF WATER SAFETY FOR RECREATIONAL USES OF ~~WATERS OF THE STATE~~ THE HAZARDOUS SECTION OF THE POTOMAC RIVER AS DESCRIBED IN THIS SUBTITLE.

1-603.

THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

1-604.

ANY PERSON WHO VIOLATES ANY REGULATION ADOPTED PURSUANT TO THE PROVISIONS OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR. UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT EXCEEDING $500, OR IMPRISONMENT NOT EXCEEDING ~~3~~ 2 MONTHS, OR BOTH~~,--WITH--COSTS IMPOSED IN THE DISCRETION OF THE COURT~~.

1-605.

NOTHING IN THIS SUBTITLE IS INTENDED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE UNDER THE HEALTH - ENVIRONMENTAL ARTICLE, § 9-204.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved: MAY 13 1986

Governor.

Speaker of the House of Delegates.

President of the Senate.

FILED MAY 23 1986
Alexander L. Cummings, CLERK
COURT OF APPEALS OF MARYLAND

LIBRARY PROPERTY OF MARYLAND

HB 0211 LR1262 YOUNG
Natural Resources - Recreational Use of State Waters

HOUSE				SENATE			
1rg	2rg	3rg		1rg	2rg	3rg	
1/08/86	1/21	1/31	4/3	2/3	3/26		4/27

Referred to ENV
1/21 Hearing cancelled 2nd
1/31 3rd rdg 118-4
4/3 Hse concurs Senate
3rd rdg 101-2

Referred to EEA
3/25 Favorable 2nd
3/26 Favorable 2nd
3/27 3rd rdg 46-0

HB 0211

211 NATURAL RESOURCES -
RECREATIONAL USE OF STATE WATERS
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HB 211

57 Drownings in last 10 years 20 mile section.
Surv. Rock Hoppy

River owned by State but access owned by Fed.
Fed Can't do anything unless they see people leave. Fed Park Area.

Leg. necessary for agreement between Fed + MD. Set or portion of Fees for Surviving = (Current problems)

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VEH

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

BILL REPORT

BILL NUMBER: HB 211

REPORTING AGENCY: Natural Resources Police

BY: Sgt. Louis W. Miller DATE: January 8, 1980

AGENCY REPRESENTATIVE FOR HEARING: Sgt. Louis W. Miller

FISCAL IMPACT: None ___ See Attached Form A ___

ENVIRONMENTAL IMPACT: None ___ See Attached Form A ___

DEPARTMENTAL POSITION: Favorable

BACKGROUND:

Every Spring, numerous drownings and near drownings occur in the Great Falls area of the Potomac River. Legislation is necessary to enable State and Federal Officers to remove persons in dangerous situations and to cite repeat offenders.

EXPLANATION OF BILL:

This bill would allow the Secretary of Natural Resources to adopt regulations to prohibit dangerous acts while in hazardous areas of the state's waters. This would allow State and Federal officers to remove swimmers from dangerous situations, issue warnings and citations which they are unable to do at the present time.

EXPLANATION OF DEPARTMENT'S POSITION:

Regulations prohibiting water contact sports in certain hazardous areas of the State's waters will enable us to reduce an abnormally high rate of drownings and injuries which have occurred over the past ten (10) years. Over the past ten (10) years 73 percent of the drownings, (45) in this area of the Potomac River were the result of other than boating accidents, (wading, swimming, fishing, rock hopping, etc.).

This past spring hearings were held in Congress by the Subcommittee on Government Operations and Metropolitan Affairs of the House District of Columbia Committee. At these hearings a great number of witnesses testified on the very serious safety problems with the dangerous areas of the Potomac River pool. In addition, several jurisdictions testified and presented their ideas and strategies for addressing these safety issues.

The Maryland Department of Natural Resources discussed the problem faced by the State of Maryland which owns the river bed which does not control the shoreline. These problems were echoed in the testimony of the National Park Service and by several user groups.

The hearings prompted the call for all the jurisdictions involved to develop an agreement on ways to begin to better address the river safety issues. As a result of this process, the attached agreement was executed among all the member jurisdictions involved. While this agreement is broad in scope, every jurisdiction has begun to implement specific steps to carry out its role in addressing the safety issues. I have attached a copy of this agreement for your review.

Maryland has taken specific steps to implement its part of the agreement. We have assigned a greater level of resources both in terms of personnel and equipment to our rescue capability. In addition we have issued new regulations restricting the access to certain dams which have created the safety problems. Finally, in order to enhance the cooperation between the State of Maryland and the National Park Service, we have proposed HB-211 which gives our Department the authority to ban swimming near or in dangerous areas in the Potomac River or, for that matter, any other waterway of Maryland. It is our intention, if HB-211 passes, to issue regulations pursuant to this authority which would ban swimming near the Great Falls Dam.

POSTSCRIPT

Arlington County, Virginia has the agreement under consideration for signing. Upon their signing, a copy of the completed signature sheet will be sent to you to complete your agreement.

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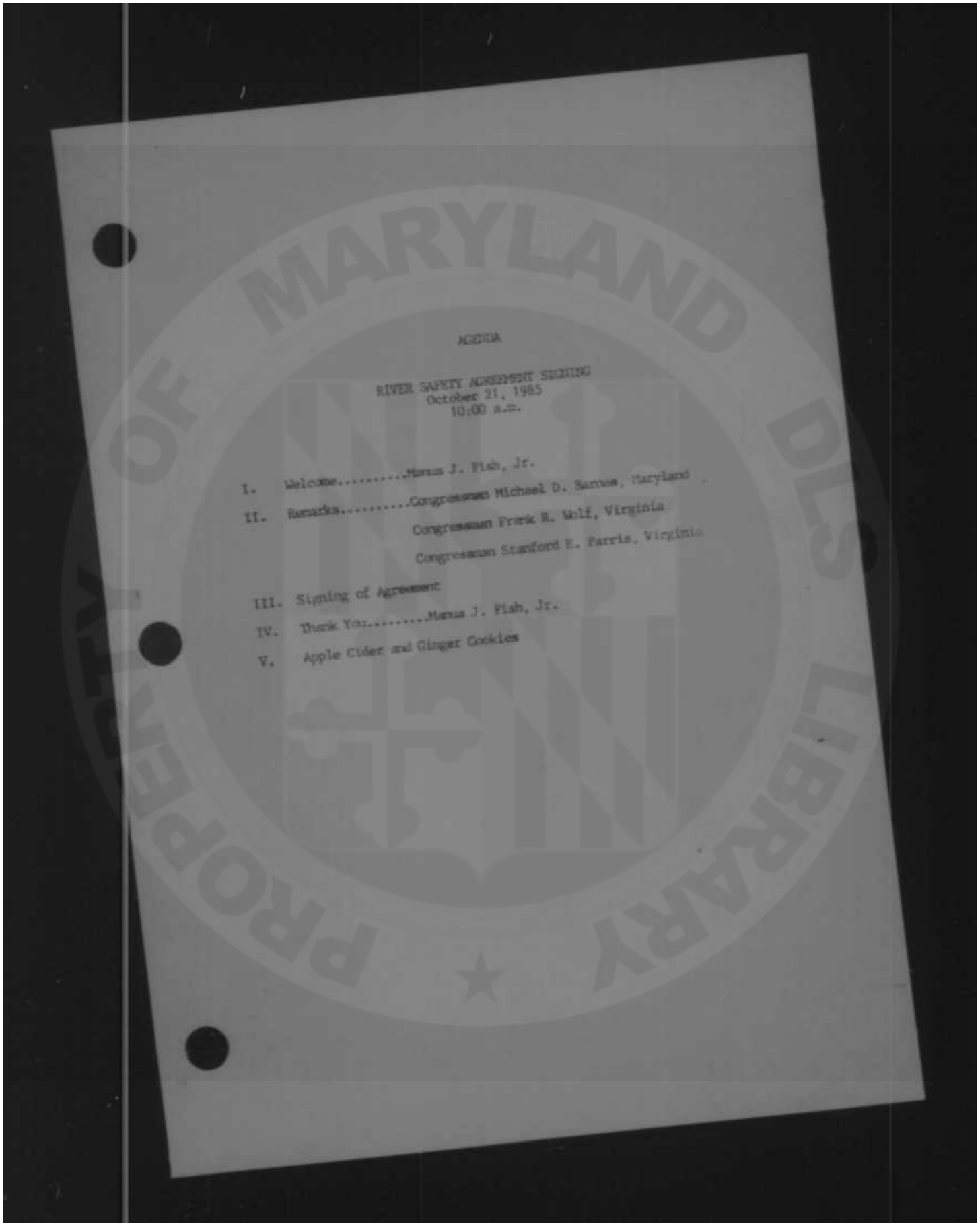

AGENDA

RIVER SAFETY AGREEMENT SIGNING
October 21, 1985
10:00 a.m.

I. Welcome.....Marcus J. Fish, Jr.

II. Remarks.....Congressman Michael D. Barnes, Maryland

Congressman Frank R. Wolf, Virginia

Congressman Stanford E. Parris, Virginia

III. Signing of Agreement

IV. Thank You.....Marcus J. Fish, Jr.

V. Apple Cider and Ginger Cookies

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POTOMAC RIVER SAFETY

MULTI-AGENCY AGREEMENT
STATE OF MARYLAND, COMMONWEALTH OF VIRGINIA,
THE DISTRICT OF COLUMBIA,
AND THE
U.S. DEPARTMENT OF INTERIOR (NATIONAL PARK SERVICE)

Among and between the State of Maryland, Montgomery County, Maryland, the Commonwealth of Virginia, Fairfax County and Arlington County Virginia, the District of Columbia, and the United States Department of the Interior (National Park Service):

WHEREAS, the Potomac River between Seneca and Chain Bridge is recognized and used as a significant public recreational resource of the surrounding area and the Nation, and is an area of significant [illegible] used and entered from the adjacent C&O Canal National Historical Park, Maryland, George Washington Memorial Parkway, Maryland and Virginia, Great Falls, Virginia, and certain private lands adjoining the River;

WHEREAS, jurisdiction over the Potomac River is held by the State of Maryland for the River upstream of the District of Columbia boundary and by the District of Columbia for the River within the boundaries of the District;

WHEREAS, recreational use of the River has increased substantially involving a wide spectrum of interest and user groups;

WHEREAS, it is in the public interest to foster river safety, enhance public understanding of hazards on and along the River, and increase the scope, efficiency and coordination of safety patrols and emergency services, and;

6. The State of Maryland, the Commonwealth of Virginia, the District of Columbia, the National Park Service and [illegible] jurisdictions (through committee action) shall develop a protocol and procedure for incident command to insure the direction of the proceedings of specific law enforcement and rescue situations by a single individual consistent with the 1983 Council of Governments (COG) Emergency Services Mutual Aid Agreement.

7. This agreement constitutes a statement of intent to promote river safety on the Potomac River. This agreement is not a contract; parties do not intend that this agreement have legal affect or that it create any third party beneficiary rights.

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WHEREAS, the primary access to the river in the affected area is through National Park Land,

THEREFORE, it is agreed that:

1. The National Park Service, because of its proximity to the Potomac River, shall provide assistance and support to local and state agencies for law enforcement, search, rescue, and regulation of recreational activities on the waters of the Potomac between Seneca Dam and Chain Bridge.
2. The National Park Service, due to its proximity, shall assist these jurisdictions in quick response to rescue situations.
3. The National Park Service will provide space for cooperating agencies to install and maintain systems and equipment to carry out their responsibilities.
4. The State of Maryland, the Commonwealth of Virginia and their respective counties of Montgomery, Fairfax and Arlington, and the District of Columbia will provide and maintain available equipment, material, communication devices and personnel to support a River Safety Program. Inventories of available support items will be worked out by committee actions involving representatives of the agencies involved.
5. The National Park Service shall participate in law enforcement activities on land and on the River pursuant to statutes and regulations developed by the State of Maryland and the District of Columbia for the purpose of promoting the safety, health and welfare of visitors to the aforementioned National Parks and waters of the Potomac River.

FOR THE NATIONAL PARK SERVICE

Martin J. Fish, Jr., Regional Director
National Capital Region

Date

FOR THE DISTRICT OF COLUMBIA

Maurice Turner, Chief
Metropolitan Police Department

10/21/85
Date

FOR THE STATE OF MARYLAND

Torrey C. Brown, M.D., Secretary
Maryland Department of Natural Resources

10/21/85
Date

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FOR THE COMMONWEALTH OF VIRGINIA

Betty J. Bigler, Secretary of Commerce and Resources — Date

FOR MONTGOMERY COUNTY, MARYLAND

Bernard D. Crooke, Chief
Montgomery County Police Department — 11-21-91 — Date

Raum L. Howard
Raum Orndorff, Director
Department of Fire and Rescue Services — Date

FOR FAIRFAX COUNTY, VIRGINIA

J. Hamilton Lambert, County Executive — 10/21/91 — Date

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FOR ARLINGTON COUNTY, VIRGINIA:

Thomas Hawkins, Chief — Date
Arlington Fire Department

FOR CABIN JOHN, MARYLAND FIRE AND RESCUE

John A. Walter, Jr., Captain — Date
Cabin John Volunteer Fire and Rescue, Inc.

FOR GLEN ECHO, MARYLAND FIRE AND RESCUE

P.M. Williamson, Chief — Date
Glen Echo Fire Department

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Amendments to House Bill 211
(First Reading File Bill)

Amendment No. 1

On page 1 in line 9 strike "and" and in line 10 after "regulations" insert ", and providing that nothing in this subtitle is intended to affect or limit certain powers and duties of the Secretary of Health and Mental Hygiene".

Amendment No. 2

On page 1 in line 13 strike "and" and after "1-604" insert ", and 1-605".

Amendment No. 3

On page 2 in the unnumbered line following line 11, insert "1-605

NOTHING IN THIS SUBTITLE IS INTENDED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE UNDER HEALTH-ENVIRONMENTAL ARTICLE, §9-204."

FISCAL ESTIMATE OF LEGISLATION

FROM: M. P. Police

BILL/RESOLUTION NUMBER: SB-211

SHORT TITLE: Recreational Use of State Waters

Prepared by: Sgt. Louis W. Ritter Title: Boating Safety Officer Telephone: 268-2242

Copy of Agency testimony on bill included: Yes ____ No X If not available, explain why:

1. Please describe the effect this legislation will have on your agency. Use additional sheets if necessary.

State and Federal officers will be able to reduce drownings in a particularly hazardous portion of the Potomac River by issuing warnings and citations.

2. Was an fiscal impact of this agency addressed?

Warning tickets generate no monies. Citation monies (fines) go to the District Court system. Enforcement will be done by the existing State and Federal officers assigned to this area.

3. Was your agency included a budget request for the activities in this legislation? Yes ____ No X

If yes, please indicate the amount requested $ _____ for fiscal year _____

Fiscal impact (annual - base year dollars - e.g. 1985)

4. Will provide an estimated additional revenue increase or decrease for the first five years:

	General Funds	Special Funds	Federal Funds	Local Funds	Total
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

5. Will require an estimated additional expenditure increase or decrease for the first five years as follows:

	General Funds	Special Funds	Federal Funds	Local Funds	Total
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

6. Net effect: (Total of 4 and 5)

	General Funds	Special Funds	Federal Funds	Local Funds	Total
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

ES 211

ENVIRONMENTAL ASSESSMENT FORM (EAF)

This form is to assist the reviewers in determining whether a proposed action could cause significant natural and socio-economic environmental effects and thus require an Environmental Effects Report.

DEPARTMENT Natural Resources DIVISION Natural Re[illegible]

OTHER PROJECT TITLE

PRIOR LEGISLATION: COMMENCEMENT EQUIPMENT

PROJECT TELEPHONE

I BACKGROUND INFORMATION

1. Give a brief description of the proposed action/project(s):

This bill would allow the Secretary of Natural Resources to make regulations prohibiting water contact sports in certain hazardous areas of the State's waters.

2. Describe the geographical area(s) which will be affected by the action/project(s). Specifically locate the project by using the Maryland Coordinate Grid System, exclude distinguishing natural and manmade features and a brief description of the present use of the area(s). Include a suitable location map (sketch map or copy of U.S. Geological Survey map, etc.).

All waters in the State of Maryland and adjacent [illegible]

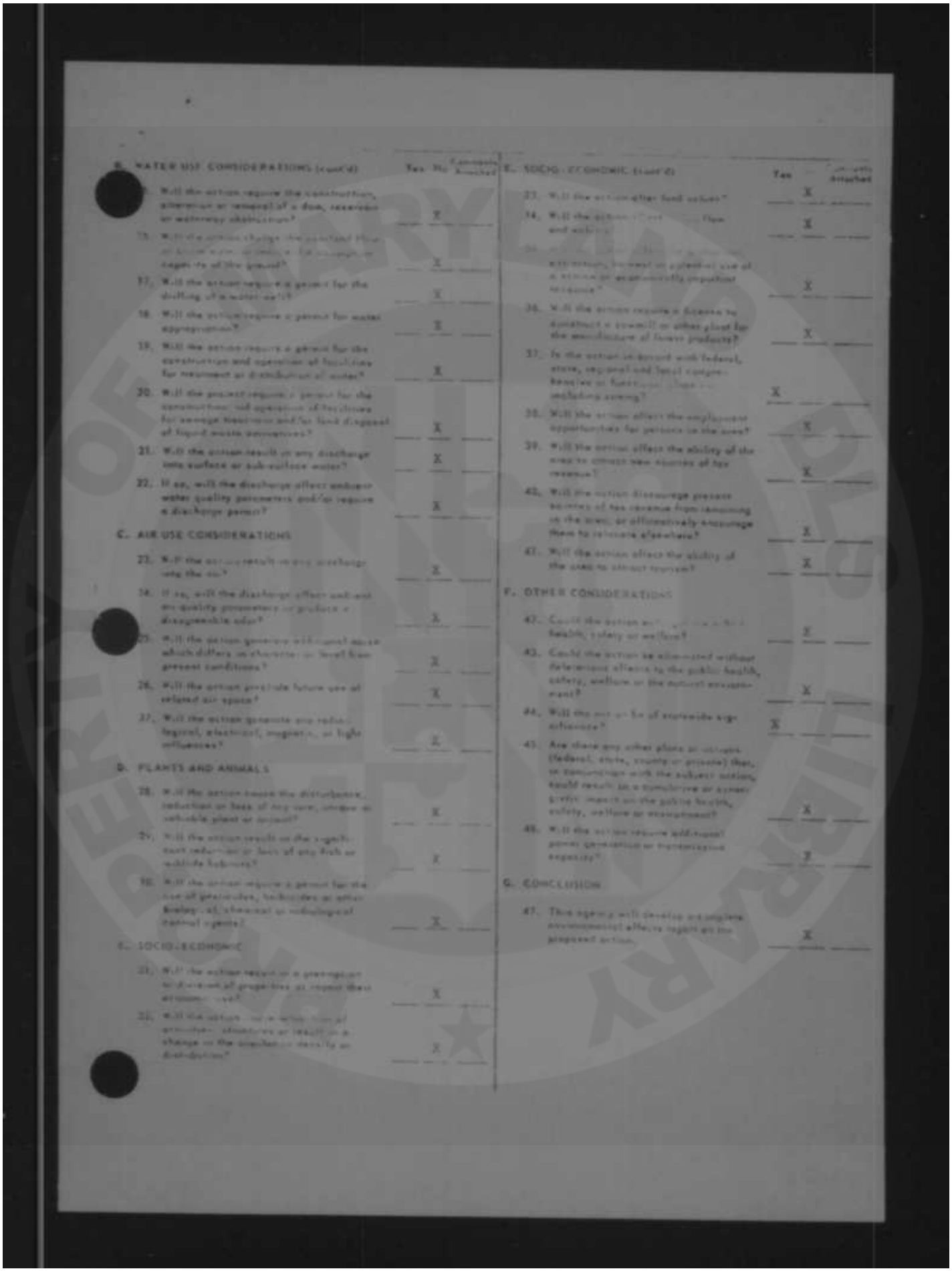
II ASSESSMENT OF SIGNIFICANT ENVIRONMENTAL EFFECTS

The following questions should be answered by placing a check in the appropriate column(s). It is desirable that [illegible] marks attached" column can be checked by staff or in combination with an answer of "yes" or "no" to provide [illegible] information or to overcome an affirmative presumption.

In answering the questions, the significant beneficial and adverse, short and long term, effects of the proposed action, on-site and off-site, during construction and operation should be considered.

All questions should be answered as if the agency is subject to the same requirements as a private [illegible] a license or permit from the State or Federal Government.

A. LAND USE CONSIDERATIONS	Yes	No	Comments Attached
1. Will the action be within the 100 year flood plain?		X	
2. Will the action require a permit for any construction within the 100 year flood plain?		X	
3. Will the action require a permit for any cutting, filling, dredging or alteration of a wetland?		X	
4. Will the action require a permit for the installation for solid waste disposal including disposal of excavation spoil?		X	
5. Will the action affect an area exceeding 50%?		X	
6. Will the action require a grading plan or a soil erosion control permit?		X	
7. Will the action require a mining permit for deep or surface mining?		X	
8. Will the action require a permit for drilling a gas or oil well?		X	
9. Will the action require a permit for construction?		X	
10. Will the action require a permit for the crossing of the Patuxent River by vehicles, rubber or other tire devices?		X	
11. Will the action affect the use of a public recreation area, park, forest, wildlife management area, historic site or wilderness?		X	
12. Will the action affect the use of any natural or man-made features that are unique to the county, state or nation?		X	
13. Will the action affect the use of an archaeological or historical site or structure?		X	
B. WATER USE CONSIDERATIONS			
14. Will the action require a permit for the change of the course, current, or cross-section of a stream or other body of water?			



BY: COMMITTEE ON ECONOMIC AND ENVIRONMENTAL AFFAIRS

AMENDMENT TO HOUSE BILL NO. 211

(THIRD READING FILE BILL)

ON PAGE 2, IN LINE 1, STRIKE "STATE WATERS" AND SUBSTITUTE "THE POTOMAC RIVER".

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BY: Department of Legislative Reference
(Technical Amendment)

AMENDMENT TO HOUSE BILL NO. 211

(Third Reading File Bill)

On page 2, in line 1, strike "STATE WATERS" and substitute "THE POTOMAC RIVER".

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BY: Committee on Economic and Environmental Affairs

AMENDMENT TO HOUSE BILL NO. 211

(Third Reading File Bill)

On page 2, in line 1, strike "STATE WATERS" and substitute "THE POTOMAC RIVER".

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GENERAL ASSEMBLY OF MARYLAND
COMMITTEE REPORT SYSTEM

BILL ANALYSIS

Senate Economic and Environmental Affairs Committee

PREPARED BY THE MARYLAND DEPARTMENT OF LEGISLATIVE REFERENCE - 1986

HOUSE BILL 211

NATURAL RESOURCES - RECREATIONAL USE OF THE POTOMAC RIVER

SPONSOR:

Delegate Young (Departmental - Natural Resources)

CAPSULE SUMMARY:

This bill designates a section of the Potomac River as hazardous to recreational users, and requires the Department of Natural Resources to establish a program of water safety for recreational users of that section of the Potomac.

DISCUSSION:

CURRENT LAW:

The Department of Natural Resources has general supervisory and regulatory power over the use of waters in the State, including boating. The Department has no explicit authority to restrict the recreational use of any particular river or body of water, nor is it required to administer a safety program for any particular river or body of water. (Natural Resources Article, Section 8-203).

CHANGES MADE BY THE BILL:

This bill designates as hazardous to recreation users the section of the Potomac River beginning at the District of Columbia and the Maryland boundary, one-half mile north of Chain Bridge, and continuing upstream to a line across the Potomac at Edwards Ferry Road. The Department of Natural Resources is required to administer a water safety program for recreational users of that section of the river, and is authorized to adopt regulations to carry out the purposes of this bill.

The bill also provides a penalty of up to $500, or imprisonment of up to 2 months, or both, for a violation of any regulation adopted under the authority of the bill.

SUMMARY OF CHANGES:

Article - Natural Resources

Subtitle 6 - Recreational Use of State Waters

Section 1-601
Declares that there is need to restrict recreational use of a section of the Potomac River that is hazardous to the personal safety of recreational users.

Designates as hazardous to recreational users the section of the Potomac River from the District of Columbia and Maryland boundary, one half mile north of Chain Bridge, upstream to Edwards Ferry Road.

Section 1-602
Requires the Department to administer a water safety program for recreational users of the section of the Potomac designated as hazardous.

Section 1-603
Authorizes the Department to adopt regulations to implement this subtitle.

Section 1-604
Makes a violation of a regulation adopted under this subtitle a misdemeanor, punishable by a fine of up to $500, or imprisonment of up to 2 months, or both.

Section 1-605
States that the subtitle is not intended to affect the powers and duties of the Department of Health and Mental Hygiene under Section 9-204 of the Health - Environmental Article. That section deals with the control of sanitary conditions of waters in the State.

JV/pcd

COMMITTEE REPORT SYSTEM

SUMMARY OF COMMITTEE REPORT

Senate Economic and Environmental Affairs Committee

PREPARED BY THE MARYLAND DEPARTMENT OF LEGISLATIVE REFERENCE - 1986

HOUSE BILL 211

NATURAL RESOURCES - RECREATIONAL USE OF THE POTOMAC RIVER

SPONSOR:

Delegate Young (Departmental - Natural Resources)

SUMMARY OF BILL:

CURRENT LAW

The Department of Natural Resources has general supervisory and regulatory power over the use of waters in the State, including boating. The Department has no explicit authority to restrict the recreational use of any particular river or body of water, nor is it required to administer a safety program for any particular river or body of water.

CHANGES MADE BY THE BILL:

This bill designates as hazardous to recreation users the section of the Potomac River beginning at the District of Columbia and the Maryland boundary, one-half mile north of Chain Bridge, and continuing upstream to a line across the Potomac at Edwards Ferry Road. The Department of Natural Resources is required to administer a water safety program for recreational users of that section of the river, and is authorized to adopt regulations to carry out the purposes of this bill.

The bill also provides a penalty of up to $500, or imprisonment of up to 2 months, or both, for a violation of any regulation adopted under the authority of the bill.

BACKGROUND:

According to the Department of Natural Resources, the area of the Potomac covered by this bill has been the scene of an abnormally high number of drownings (57) in the last 10 years. Forty-five of these drownings were the result of such non-boating activities as wading, swimming, and fishing.

Part of the problem in this area is that Maryland owns the river but does not control the shoreline, which is mostly federal parkland.

Federal parkland officials have agreed to enforce any regulations that the Department adopts to help combat this problem, including prohibitions against swimming and other non-boating activities. The Department hopes that this will help reduce drownings in that area of the Potomac.

LEGISLATIVE INTENT:

The intent of House Bill 211 is to designate part of the Potomac River as a hazardous area for recreational users and to allow the Department to regulate recreational use of that section of the river. The bill's intent is also to establish a penalty for violation of a regulation adopted under the authority of this bill.

The bill's purpose is to reduce the number of drownings in a hazardous part of the Potomac River.

COMMITTEE AMENDMENTS:

The Committee adopted one amendment to this bill.

AMENDMENT NO. 1:

The amendment makes a technical change in the bill's subtitle to conform with the amendments adopted by the House.

H.B. 211
COMMITTEE REPORT
PAGE 3

CHAIRMAN'S SIGNATURE:

Summary of Committee Report for House Bill 211
Reported FAVORABLY WITH AMENDMENT by the
Committee on Economic & Environmental Affairs on
_____.

_____
Norman R. Stone, Jr.
Chairman

JV/lc

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SENATE OF MARYLAND

ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

SENATE BILL _____

HOUSE BILL 211

SUBJECT MATTER: NATURAL RESOURCES - RECREATIONAL USE OF THE POTOMAC RIVER

DATE OF HEARING: MAR. 13, 1986 1 P.M.

SPONSOR OF BILL: DEL. YOUNG (DEPT.)

DEPARTMENT CONCERNED: _____ (Name of Spkr.) FOR__ AGST__

PLEASE PRINT

LIST OF SPEAKERS AND INTERESTED PARTIES

Name & Affiliation	Address	Phone	
SGT. LOU RITTER	R.P.		FOR ✓ AGST__
			FOR__ AGST__
			FOR__ AGST__
			FOR__ AGST__
			FOR__ AGST__
			FOR__ AGST__
			FOR__ AGST__
			FOR__ AGST__
			FOR__ AGST__

RESEARCH ANALYSIS

House Environmental Matters Committee

PREPARED BY LEGISLATIVE REFERENCE — RESEARCH DIVISION

1986 Session

D. SWARTZ

HOUSE BILL 211

SPONSOR: Delegate Young
(Departmental-Natural Resources)

HEARING DATE: January 21, 1986

SUMMARY:

This bill will enable DNR to establish regulations to ensure water safety for recreational use of State waters in contact activities such as swimming, rafting, etc.

BACKGROUND:

Currently DNR does not have the authority to restrict recreational use of certain waters. This bill will enable the State officers to issue warnings or citations and remove swimmers from dangerous situations. This bill will help to reduce the high number of drownings and injuries in the State. A person who violates any safety regulations will be guilty of a misdemeanor and fined or even imprisoned.

QUESTIONS:

1) How many drownings each year are caused by dangerous recreational use of State waters?

2) What powers does the State have to control recreational use of State waters?

3) What type of recreational activities have caused problems in the past?

PLEASE PRINT CLEARLY

ENVIRONMENTAL MATTERS COMMITTEE

WITNESS LIST

PAGE ___

BILL NO. 211

DATE: 1/21/86

NAME/TELEPHONE NO.	ADDRESS	REPRESENTING	POSITION FOR/AGAINST
Mick Backstone	P.O. Box 3148 Annapolis 21403	Marine Trades Association of Md	X (written only)
L. Bernard Rothschild	Christian Services USA P.O. Box 1745 Ann.	Enviroment Not Listed	
Thomas R. Turner 267 3144	Tawes State Off. Bldg. Annapolis 21401	Natural Resources Police (Combine Test with DNR Verna Harrison)	✓

ALL TESTIMONY MUST BE GIVEN IN 5 MINUTES OR LESS

VEH

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

BILL REPORT

BILL NUMBER: HB 211

REQUESTING AGENCY: Natural Resources Police

BY: Sgt. Paul W. Miller DATE: January 8, 1990

AGENCY REPRESENTATIVE FOR HEARING: Sgt. Paul W. Miller

FISCAL IMPACT: None See Attached Form A

ENVIRONMENTAL IMPACT: Alone See Attached Form A

DEPARTMENTAL POSITION: Favorable

BACKGROUND:

Every Spring, numerous drownings and near drownings occur in the Great Falls area of the Potomac River. Legislation is necessary to enable State and Federal Officers to create purpose in dangerous situations and to cite repeat offenders.

EXPLANATION OF BILL:

This bill would allow the Secretary of Natural Resources to adopt regulations to prohibit dangerous activities in hazardous areas of the State's waters. This would allow State and Federal officers to create compliance from dangerous situations, issue warnings and citations which they are unable to do at the present time.

EXPLANATION OF DEPARTMENT'S POSITION:

Regulations prohibiting water contact sports in certain hazardous areas of the state's waters will enable us to reduce an abnormally high rate of drownings and injuries which have occurred over the past ten (10) years. Over the past ten (10) years 73 percent of the drownings (85) in this area of the Potomac River were the result of other than boating accidents, (wading, swimming, fishing, ice fishing, etc.).

Public hearings were held in Congress by the Subcommittee on Government Operations and Metropolitan Affairs of the House District of Columbia Committee. At these hearings a great number of witnesses testified on the very serious safety problems which the dangerous areas of the Potomac River pose. In addition, several law officers testified and presented their ideas and strategies for addressing these safety issues.

The Maryland Department of Natural Resources Police and the public would be the beneficiaries of this bill which owns the River and which does not. The beneficiaries would also include the Department of the Interior and the National Park Service and the Federal Government.

The hearings prompted the call for all the jurisdictions involved to develop an agreement on ways to begin to better address the river safety issues. As a result of this process, the attached agreement was executed among all the member jurisdictions involved. While this agreement is broad in scope, every jurisdiction has begun to implement specific steps to carry out its role in addressing the safety issues. I have attached a copy of this agreement for your review.

Maryland has taken specific steps to implement its part of the agreement. We have assigned a greater level of resources both in terms of personnel and equipment to our rescue capability. In addition we have issued new regulations restricting the access to certain dams which have created the safety problems. Finally, in order to enhance the cooperation between the State of Maryland and the National Park Service, we have proposed HB-211 which gives our Department the authority to ban swimming near or in dangerous areas in the Potomac River or, for that matter, any other waterway of Maryland. It is our intention, if HB-211 passes, to issue regulations pursuant to this authority which would ban swimming near the Great Falls Dam.

POSTSCRIPT

Arlington County, Virginia has the agreement under consideration for signing. Upon their signing, a copy of the completed signature sheet will be sent to you to complete your agreement.

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AGENDA

RIVER SAFETY AGREEMENT SIGNING
October 21, 1985
10:00 a.m.

I. Welcome.....Marcus J. Fish, Jr.

II. Remarks.....Congressman Michael D. Barnes, Maryland

Congressman Frank R. Wolf, Virginia

Congressman Stanford E. Parris, Virginia

III. Signing of Agreement

IV. Thank You.....Marcus J. Fish, Jr.

V. Apple Cider and Ginger Cookies

PROPERTY OF MARYLAND DLS LIBRARY

POTOMAC RIVER SAFETY

MULTI-AGENCY AGREEMENT
STATE OF MARYLAND, COMMONWEALTH OF VIRGINIA,
THE DISTRICT OF COLUMBIA,
AND THE
U.S. DEPARTMENT OF INTERIOR (NATIONAL PARK SERVICE)

Among and between the State of Maryland, Montgomery County, Maryland, the Commonwealth of Virginia, Fairfax County and Arlington County Virginia, the District of Columbia, and the United States Department of the Interior (National Park Service):

WHEREAS, the Potomac River between Seneca and Chain Bridge is recognized and used as a significant public recreational resource of the surrounding area and the Nation, and is an area of significant scenic interest as viewed and entered from the adjacent C&O Canal National Historical Park, Maryland, George Washington Memorial Parkway, Maryland and Virginia, Great Falls, Virginia, and certain private lands adjoining the River;

WHEREAS, jurisdiction over the Potomac River is held by the State of Maryland for the River upstream of the District of Columbia boundary and by the District of Columbia for the River within the boundaries of the District;

WHEREAS, recreational use of the River has increased substantially involving a wide spectrum of interest and user groups;

WHEREAS, it is in the public interest to foster river safety, enhance public understanding of hazards on and along the River, and increase the scope, efficiency and coordination of safety patrols and emergency services, and;

6. The State of Maryland, the Commonwealth of Virginia, the District of Columbia, the National Park Service and [illegible] jurisdictions (through committee action) shall develop a protocol and procedure for incident command to insure the direction of the proceedings of specific Law enforcement and rescue situations by a single individual consistent with the 1983 Council of Governments (COG) Emergency Services Mutual Aid Agreement.

7. This agreement constitutes a statement of intent to promote river safety on the Potomac River. This agreement is not a contract; parties do not intend that this agreement have legal affect or that it create any third party beneficiary rights.

PROPERTY OF MARYLAND STATE LIBRARY

WHEREAS, the primary access to the river in the affected area is through National Park Land;

THEREFORE, it is agreed that:

1. The National Park Service, because of its proximity to the Potomac River, shall provide assistance and support to local and state agencies for law enforcement, search, rescue, and regulation of recreational activities on the waters of the Potomac between Seneca Dam and Chain Bridge.

2. The National Park Service, due to its proximity, shall assist these jurisdictions in quick response to rescue situations.

3. The National Park Service will provide space for cooperating agencies to install and maintain systems and equipment to carry out their responsibilities.

4. The State of Maryland, the Commonwealth of Virginia and their respective counties of Montgomery, Fairfax and Arlington, and the District of Columbia will provide and maintain available equipment, material, communication devices and personnel to support a River Safety Program. Inventories of available support items [illegible] worked out by committee actions involving representatives of the agencies involved.

5. The National Park Service shall participate in law enforcement activities on land and on the River pursuant to statutes and regulations developed by the State of Maryland and the District of Columbia for the purpose of promoting the safety, health and welfare of visitors to the aforementioned National Parks and waters of the Potomac River.

FOR THE NATIONAL PARK SERVICE

Date

Hugh J. Fish, Jr., Regional Director
National Capital Region

FOR THE DISTRICT OF COLUMBIA

10/21/85
Date

Maurice Turner, Chief
Metropolitan Police Department

FOR THE STATE OF MARYLAND

10/21/85
Date

Torrey C. Brown, M.D., Secretary
Maryland Department of Natural Resources

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FOR THE COMMONWEALTH OF VIRGINIA

Betty J. Dyner, Secretary of Commerce and Resources — Date

FOR MONTGOMERY COUNTY, MARYLAND

Bernard D. Crooke, Chief
Montgomery County Police Department — 11-21-05 — Date

Ramon Granados, Director
Department of Fire and Rescue Services

FOR FAIRFAX COUNTY, VIRGINIA

J. Hamilton Lambert, County Executive — 10/21/05 — Date

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FOR ARLINGTON COUNTY, VIRGINIA

Thomas Haskins, Chief
Arlington Fire Department

Date

FOR CABIN JOHN, MARYLAND FIRE AND RESCUE

John A. Waller, Jr., Captain
Cabin John Volunteer Fire and Rescue, Inc.

Date

FOR GLEN ECHO, MARYLAND FIRE AND RESCUE

P.H. Williamson, Chief
Glen Echo Fire Department

Date

PROPERTY OF MARYLAND DLS LIBRARY

Amendments to House Bill 211
(First Reading File 0714)

Amendment No. 1

On page 1 in line 9 strike "and" and in line 10 after "regulations" insert "; and providing that nothing in this subtitle is intended to affect or limit certain powers and duties of the Secretary of Health and Mental Hygiene".

Amendment No. 2

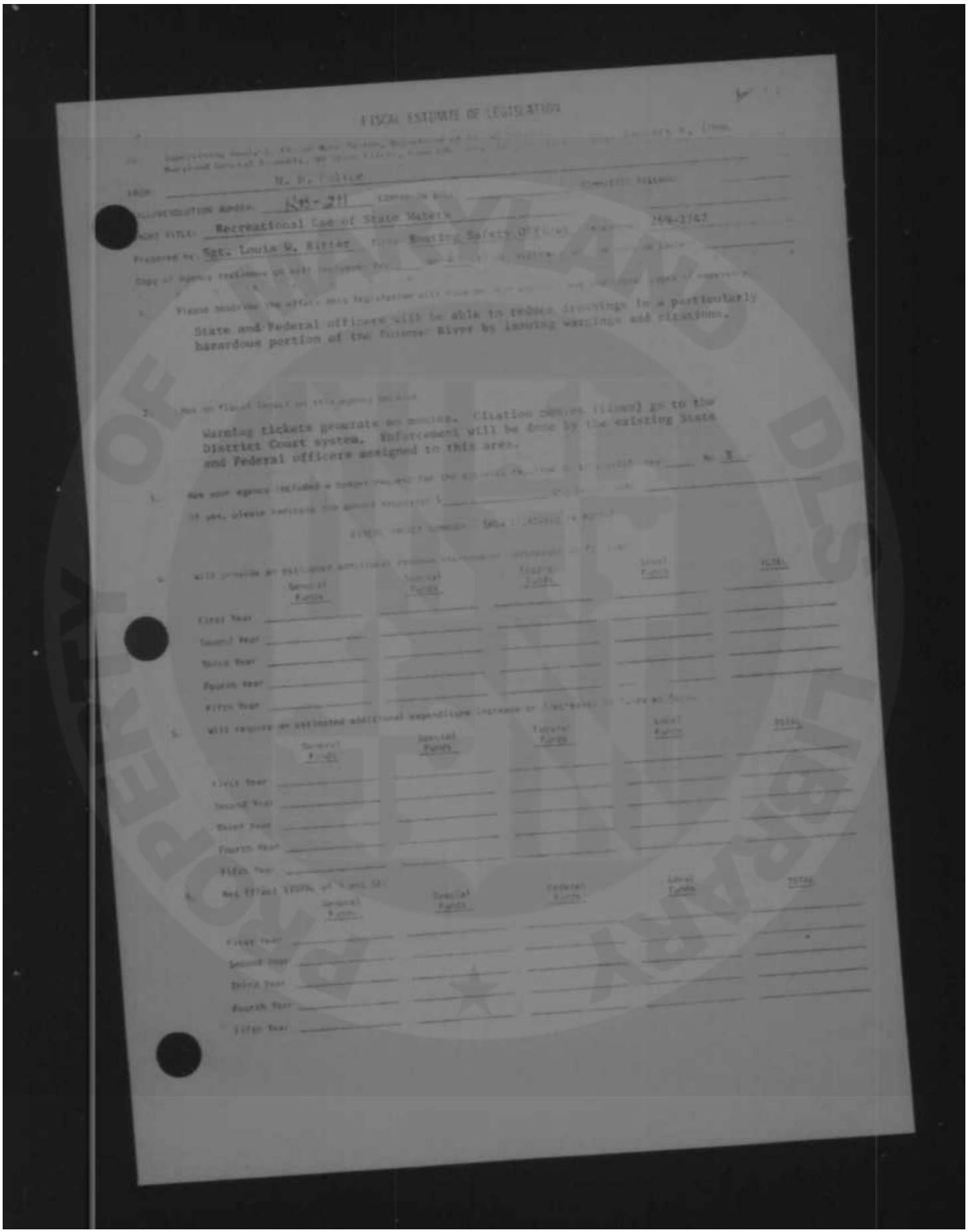
On page 1 in line 13 strike "and" and after "1-604" insert ", and 1-605".

Amendment No. 3

On page 2 in the unnumbered line following line 11, insert

"1-605

NOTHING IN THIS SUBTITLE IS INTENDED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE UNDER HEALTH-ENVIRONMENTAL ARTICLE, §9-204."



FISCAL ESTIMATE OF LEGISLATION

FROM: M. D. Police

LEGISLATION NUMBER: HB 211

SHORT TITLE: Recreational Use of State Waters

Prepared by: Sgt. Louis B. Ritter Title: Boating Safety Officer Phone: 269-2747

Please describe the effect this legislation will have on your agency.

State and Federal officers will be able to reduce drownings in a particularly hazardous portion of the Potomac River by issuing warnings and citations.

Warning tickets generate no revenue. Citation revenue (fines) go to the District Court system. Enforcement will be done by the existing State and Federal officers assigned to this area.

Has your agency included a budget request for the activities in this legislation for fiscal year ____ or ____?

If yes, please indicate the amount requested $_____

Fiscal impact summary: See attached memo.

4. Will provide an estimated additional revenue increase or decrease in the following:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

5. Will require an estimated additional expenditure increase or (decrease) in the following:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

6. Has fiscal impact of [illegible]

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

EB 211

ENVIRONMENTAL ASSESSMENT FORM (EAF)

This form is to assist the reviewers in determining whether a proposed action could cause significant natural and socio-economic environmental effects and thus require an Environmental Effects Report.

DEPARTMENT Natural Resources DIVISION Natural R...

BUREAU PROJECT TITLE

PRELIMINARY ENVIRONMENTAL COMMENCEMENT CONSTRUCTION

PROJECT TELEPHONE

I BACKGROUND INFORMATION

1. Give a brief description of the proposed action/project(s)

This bill would allow the Secretary of Natural Resources to make regulations prohibiting water contact sports in certain hazardous areas of the State's waters.

2. Describe the geographical area(s) which will be affected by the action/project(s). Specifically locate the project by using the Maryland Coordinate Grid System, include distinguishing natural and man-made features and a brief description of the present use of the area(s). Include a suitable location map (sketch map or copy of U.S. Geological Survey map, etc.).

All waters in the State of Maryland and adjacent area.

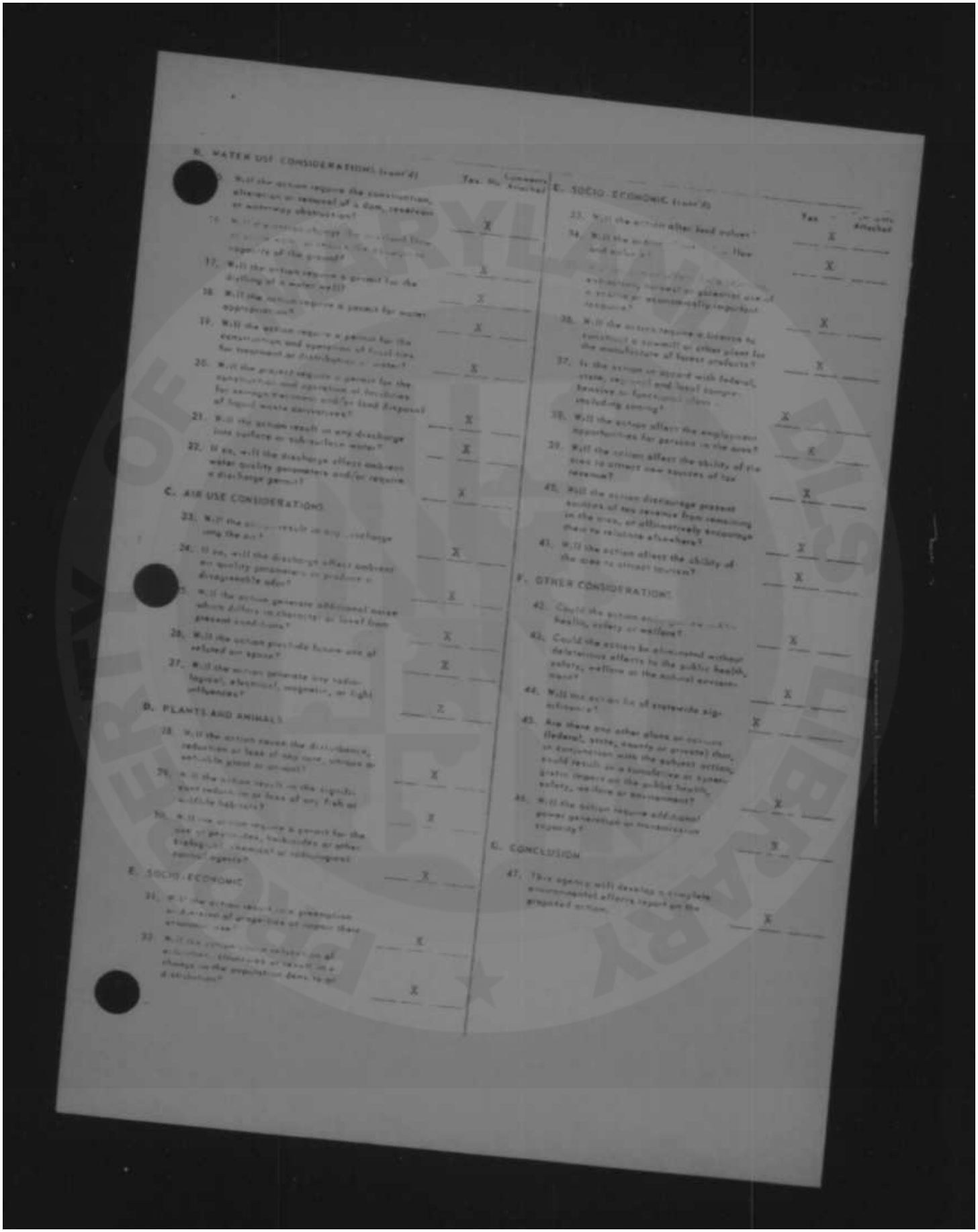
II ASSESSMENT OF SIGNIFICANT ENVIRONMENTAL EFFECTS

The following questions should be answered by placing a check in the appropriate column(s). It is possible that more than one "yes" column can be checked by itself or in combination with an answer of "yes" or "no" to provide additional information or to overcome an alternative presumption.

In answering the questions, the significant beneficial and adverse, short and long term, effects of the proposed action, on-site and off-site, during construction and operation should be considered.

All questions should be answered as if the agency is subject to the same requirements as a private [illegible] a license or permit from the State or Federal Government.

A. LAND USE CONSIDERATIONS	Yes	No	Comments Attached
1. Will the action be within the 100 year flood plain?		X	
2. Will the action require a permit for construction or alteration within the 50 year flood plain?		X	
3. Will the action require a permit for dredging, filling, draining or alteration of a wetland?		X	
4. Will the action require a permit for the installation for solid waste disposal including dumps and sanitary landfills?		X	
5. Will the action place an impervious surface exceeding 10%?		X	
6. Will the action require a grading plan or a soil erosion control permit?		X	
7. Will the action require a drilling permit for deep or surface mining?		X	
8. Will the action require a permit for drilling a gas or oil well?		X	
9. Will the action require a permit for sewage Construction?		X	
10. Will the action require a permit for the damming of the Patuxent River by use of dams, tubes or other like devices?		X	
11. Will the action affect the use of a public recreation area, park, forest, wildlife management area, scenic river or wetland?		X	
12. Will the action affect the use of any natural or architectural features that are unique to the county, state or nation?		X	
13. Will the action affect the use of an archaeological or historical site or structure?		X	
B. WATER USE CONSIDERATIONS			
14. Will the action require a permit for the change of the course, channel, or flow of a stream or other body of water?			



Maryland Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

BILL REPORT

BILL NUMBER: HB-311 - 3rd Reader

REPORTING AGENCY: Natural Resources Police

BY: Sgt. Louis W. Ritter DATE: February 20, 1986

AGENCY REPRESENTATIVE FOR HEARING: Sgt. Louis W. Ritter

FISCAL IMPACT: None ____ See Attached Form X

ENVIRONMENTAL IMPACT: None ____ See Attached Form X

DEPARTMENTAL POSITION: Favorable

BACKGROUND:

Every Spring, numerous drownings and near drownings occur in the Great Falls area of the Potomac River. Legislation is necessary to enable State and Federal officers to remove persons in dangerous situations and to cite repeat offenders.

EXPLANATION OF BILL:

This Bill would allow the Secretary of Natural Resources to adopt regulations to prohibit dangerous acts while in hazardous areas of the Potomac River. This would allow State and Federal officers to remove swimmers from dangerous situations, issue warnings and citations which they are unable to do at the present time.

EXPLANATION OF DEPARTMENT'S POSITION:

Regulations prohibiting water contact sports in certain hazardous areas of the Potomac River will enable us to reduce an abnormally high rate of drownings and injuries which have occurred over the past ten (10) years. Over the past ten (10) years 73 percent of the drownings, (65) in this area of the Potomac River, were the result of other than boating accidents, (wading, swimming, fishing, rock hopping, etc.).

This past spring hearings were held in Congress by the Subcommittee on Government Operations and Metropolitan Affairs of the House District of Columbia Committee. At these hearings a great number of witnesses testified on the very serious safety problems which the dangerous areas of the Potomac River pose. In addition, several jurisdictions testified and presented their ideas and strategies for addressing these safety issues.

The Maryland Department of Natural Resources discussed the problem faced by the State of Maryland which owns the river but which does not control the shoreline. These problems were echoed in the testimony of the National Park Service and by several user groups.

FISCAL ESTIMATE OF LEGISLATION

2/23 Am

TO: Legislative Auditor, Fiscal Note Section, Department of Fiscal Services
Maryland General Assembly, 90 State Circle, Annex 2/3, Annapolis, Maryland 21401

DATE: February 20, 1986

FROM:

BILL/RESOLUTION NUMBER: HB-211 DUPLICATE BILL: COMMITTEE REFERRAL:

BRIEF TITLE: Recreational Use of State Waters

Prepared by: Sgt. Louis W. Ritter Title: Boating Safety Officer Telephone: 269-2247

Does this bill/resolution or bill enclosed: Yes ____ No X If so, it will be sent by (Date):

1. Please describe the effect this legislation will have on your agency. Use additional pages if necessary.

State and Federal officers will be able to reduce drownings in a particularly hazardous portion of the Potomac River by issuing warning and citations.

2. How do fiscal effects on this agency occur?

Warning tickets generate no monies. Citation monies (fines) go to the District Court system. Enforcement will be done by the existing State and Federal officers assigned to this area.

3. Does your agency include a budget request for the activity required by this bill? Yes ____ No X

If not, please indicate the amount requested: _____ and budget code _____

FISCAL IMPACT SUMMARY - SHOW DECREASES IN PARENS

4. Will provide an estimate additional expense increase or (decrease) as follows:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

5. Will require an estimated additional expenditure increase or (decrease) in funds as follows:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

6. Net effect (TOTAL of 4 and 5):

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

FISCAL NOTE DETAIL ON BILL/RESOLUTION NUMBER _____

F. Analysis of estimated additional increase or (decrease) in State expenditure:

A. Salaries & Wages (List Object/ Personnel Classification	First Year	Second Year	Third Year	Fourth Year	Fifth Year
_____					
_____					
_____					
Total .01 Salaries & Wages					
Fringe Benefits @ ___% of .01					
Total Salaries, Wages & Fringe Benefits					
B. Other Operating Expenses: (Object of Expenditure)					
**.02 Tech. & Spec. Fees					
.03 Communications					
.04 Travel					
.05 Fuel					
.06 Fuel & Utilities					
.07 Automobile Operations					
**.08 Contractual Services					
.09 Supplies					
.10 Equipment-Replacement					
.11 Equipment-Additional					
**.12 Grants, Subsidies, etc.					
.13 Land Charges					
.14 Land & Structures					
Total Other Operating Exp.					
Total Estimated Expenditures or Savings (Total of A & B)					

**Please describe: _____

G. Local Fiscal Impact - First Year

Many agencies maintain records which indicate the fiscal impact of legislation on the counties and municipalities. If your agency has such information pertaining to the above cited legislation, please indicate the source and include a distribution by political jurisdiction if possible.

H. Comments/Remarks:

BY COMMITTEE ON ECONOMIC AND ENVIRONMENTAL AFFAIRS

AMENDMENTS CHECKED BY THE DEPT. OF LEGISLATIVE REFERENCE

AMENDMENT TO HOUSE BILL NO. 211

(THIRD READING FILE BILL)

ON PAGE 2, IN LINE 1, STRIKE "STATE WATERS" AND SUBSTITUTE "THE POTOMAC RIVER".

...LLEGIAL Young

Please notify the Chief Clerk of the House whether you will or will not concur.

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RECREATIONAL USE OF STATE WATERS

EXPLANATION:

This legislation would enable the Secretary of Natural Resources to adopt regulations for the recreational use of State waters.

JUSTIFICATION:

Regulations prohibiting water contact sports in certain hazardous areas of the State's waters will enable us to reduce an abnormally high rate of drownings and injuries which have occurred over the past ten (10) years. State and Federal officers will be able to remove swimmers from dangerous situations, issue warnings and citations which they are unable to do at the present time.

LEGISLATIVE HISTORY:

No similar legislation has been introduced.

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FISCAL ESTIMATE OF LEGISLATION

TO: Supervising Analyst, Fiscal Note System, Department of Fiscal Services
Maryland General Assembly, 90 State Circle, Room 226, Annapolis, Maryland DATE: 8/14/85

FROM: _____

BILL/RESOLUTION NUMBER: _____ COMPANION BILL: _____ COMMITTEE REFERRAL: _____

SHORT TITLE: _____

Prepared by: Louis W. Ritter Title: Sergeant Telephone: 269-2247

Copy of Agency testimony on bill included: Yes ____ No No If no, testimony will be sent by (Date): NA

* *

1. Please describe the effect this legislation will have on your agency. Use additional pages if necessary:

State and Federal officers will be able to reduce drownings in a particularly hazardous portion of the Potomac River by issuing warnings and citations. Hazardous areas will be posted against swimming.

2. Has no fiscal impact on this agency because: Warning tickets generate no money. Fines from citations go to the District Courts system, not Department of Natural Resources. Enforcement will be done by existing field force.

3. Has your agency included a budget request for the activity required by this bill? Yes ____ No X

If yes, please indicate the amount requested $_____ and budget code: _____

FISCAL IMPACT SUMMARY - SHOW DECREASES IN PARENS

4. Will provide an estimated additional revenue increase or (decrease) as follows:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

5. Will require an estimated additional expenditure increase or (decrease) in funds as follows:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

6. Net Effect (TOTAL of 4 and 5):

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

MARYLAND HOUSE OF DELEGATES

Environmental Matters Committee
Larry Young, Chairman
841-3534

DATE: January 8, 1986

TO: Bruce Gilmore, Department of Natural Resources

FROM: Environmental Matters Committee

RE: Committee Hearing Schedule

Your Bill(s) H.B. 211, 212, 213, 215 and 216 have been scheduled for a hearing before the Environmental Matters Committee on January 21, 1986, at 1:00 p.m. in Room 160 of the Lowe House Office Building.

Since you are the PRIME SPONSOR, will you please notify your co-sponsors. If you would like to be called to appear, please be sure to call and give our staff the number where you can be reached. Witnesses may be registered by telephone if they call the Committee office at the above number.

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VEH

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

BILL REPORT

BILL NUMBER: HB-211

REPORTING AGENCY: Natural Resources Police

BY: Sgt. Louis W. Ritter DATE: January 8, 1986

AGENCY REPRESENTATIVE FOR HEARING: Sgt. Louis W. Ritter

FISCAL IMPACT: None ____ See Attached Form X

ENVIRONMENTAL IMPACT: None ____ See Attached Form X

DEPARTMENTAL POSITION: Favorable

BACKGROUND:

Every Spring, numerous drownings and near drownings occur in the Great Falls area of the Potomac River. Legislation is necessary to enable State and Federal Officers to remove persons in dangerous situations and to cite repeat offenders.

EXPLANATION OF BILL:

This bill would allow the Secretary of Natural Resources to adopt regulations to prohibit dangerous acts while in hazardous areas of the State's waters. This would allow State and Federal officers to remove swimmers from dangerous situations, issue warnings and citations which they are unable to do at the present time.

EXPLANATION OF DEPARTMENT'S POSITION:

Regulations prohibiting water contact sports in certain hazardous areas of the State's waters will enable us to reduce an abnormally high rate of drownings and injuries which have occurred over the past ten (10) years. Over the past ten (10) years 73 percent of the drownings, (45) in this area of the Potomac River were the result of other than boating accidents, (wading, swimming, fishing, rock hopping, etc.).

This past spring hearings were held in Congress by the Subcommittee on Government Operations and Metropolitan Affairs of the House District of Columbia Committee. At these hearings a great number of witnesses testified on the very serious safety problems which the dangerous areas of the Potomac River pose. In addition, several jurisdictions testified and presented their ideas and strategies for addressing these safety issues.

The Maryland Department of Natural Resources discussed the problem faced by the State of Maryland which owns the river but which does not control the shoreline. These problems were echoed in the testimony of the National Park Service and by several user groups.

The hearings prompted the call for all the jurisdictions involved to develop an agreement on ways to begin to better address the river safety issues. As a result of this process, the attached agreement was executed among all the member jurisdictions involved. While this agreement is broad in scope, every jurisdiction has begun to implement specific steps to carry out its role in addressing the safety issues. I have attached a copy of this agreement for your review.

Maryland has taken specific steps to implement its part of the agreement. We have assigned a greater level of resources both in terms of personnel and equipment to our rescue capability. In addition we have issued new regulations restricting the access to certain dams which have created the safety problems. Finally, in order to enhance the cooperation between the State of Maryland and the National Park Service, we have proposed HB-211 which gives our Department the authority to ban swimming near or in dangerous areas in the Potomac River or, for that matter, any other waterway of Maryland. It is our intention, if HB-211 passes, to issue regulations pursuant to this authority which would ban swimming near the Great Falls Dam.

POSTSCRIPT

Arlington County, Virginia has the agreement under consideration for signing. Upon their signing, a copy of the completed signature sheet will be sent to you to complete your agreement.

PROPERTY OF MARYLAND DLS LIBRARY

AGENDA

RIVER SAFETY AGREEMENT SIGNING
October 21, 1985
10:00 a.m.

I. Welcome.....Manus J. Fish, Jr.

II. Remarks.....Congressman Michael D. Barnes, Maryland

Congressman Frank R. Wolf, Virginia

Congressman Stanford E. Parris, Virginia

III. Signing of Agreement

IV. Thank You.....Manus J. Fish, Jr.

V. Apple Cider and Ginger Cookies

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POTOMAC RIVER SAFETY

MULTI-AGENCY AGREEMENT
STATE OF MARYLAND, COMMONWEALTH OF VIRGINIA,
THE DISTRICT OF COLUMBIA,
AND THE
U.S. DEPARTMENT OF INTERIOR (NATIONAL PARK SERVICE)

Among and between the State of Maryland, Montgomery County, Maryland, the Commonwealth of Virginia, Fairfax County and Arlington County Virginia, the District of Columbia, and the United States Department of the Interior (National Park Service):

WHEREAS, the Potomac River between Seneca and Chain Bridge is recognized and used as a significant public recreational resource of the surrounding area and the Nation, and is an area of significant interest as viewed and entered from the adjacent C&O Canal National Historical Park, Maryland, George Washington Memorial Parkway, Maryland and Virginia, Great Falls, Virginia, and certain private lands adjoining the River;

WHEREAS, jurisdiction over the Potomac River is held by the State of Maryland for the River upstream of the District of Columbia boundary and by the District of Columbia for the River within the boundaries of the District;

WHEREAS, recreational use of the River has increased substantially involving a wide spectrum of interest and user groups;

WHEREAS, it is in the public interest to foster river safety, enhance public understanding of hazards on and along the River, and increase the scope, efficiency and coordination of safety patrols and emergency services, and;

WHEREAS, the primary access to the river in the affected areas is through National Park Land;

THEREFORE, it is agreed that:

1. The National Park Service, because of its proximity to the Potomac River, shall provide assistance and support to local and state agencies for law enforcement, search, rescue, and regulation of recreational activities on the waters of the Potomac between Seneca Dam and Chain Bridge.
2. The National Park Service, due to its proximity, shall assist these jurisdictions in quick response to rescue situations.
3. The National Park Service will provide space for cooperating agencies to install and maintain systems and equipment to carry out their responsibilities.
4. The State of Maryland, the Commonwealth of Virginia and their respective counties of Montgomery, Fairfax and Arlington, and the District of Columbia will provide and maintain available equipment, material, communication devices and personnel to support a River Safety Program. Inventories of available support items will be worked out by committee actions involving representatives of the agencies involved.
5. The National Park Service shall participate in law enforcement activities on land and on the River pursuant to statutes and regulations developed by the State of Maryland and the District of Columbia for the purpose of promoting the safety, health and welfare of visitors to the aforementioned National Parks and waters of the Potomac River.

6. The State of Maryland, the Commonwealth of Virginia, the District of Columbia, the National Park Service and local jurisdictions (through committee action) shall develop a protocol and procedure for incident command to insure the direction of the proceedings of specific law enforcement and rescue situations by a single individual consistent with the 1983 Council of Governments (COG) Emergency Services Mutual Aid Agreement.

7. This agreement constitutes a statement of intent to promote river safety on the Potomac River. This agreement is not a contract; parties do not intend that this agreement have legal affect or that it create any third party beneficiary rights.

PROPERTY OF MARYLAND STATE LIBRARY

FOR THE NATIONAL PARK SERVICE

10/21/85
Manus J. Fish, Jr., Regional Director — Date
National Capital Region

FOR THE DISTRICT OF COLUMBIA

10/21/85
Maurice Turner, Chief — Date
Metropolitan Police Department

FOR THE STATE OF MARYLAND

10/21/85
Torrey C. Brown, M.D., Secretary — Date
Maryland Department of Natural Resources

FOR THE COMMONWEALTH OF VIRGINIA

Betty J. Diener, Secretary of Commerce and Resources — Date

FOR MONTGOMERY COUNTY, MARYLAND

Bernard D. Crooke — 11-21-85

Bernard D. Crooke, Chief
Montgomery County Police Department — Date

Ramon L. Granados — 10-21-85

Ramon Granados, Director
Department of Fire and Rescue Services — Date

FOR FAIRFAX COUNTY, VIRGINIA

J. Hamilton Lambert — 10/21/85

J. Hamilton Lambert, County Executive — Date

FOR ARLINGTON COUNTY, VIRGINIA

Thomas Hawkins, Chief — Date
Arlington Fire Department

FOR CABIN JOHN, MARYLAND FIRE AND RESCUE

John A. Walters, Jr., Captain — Date
Cabin John Volunteer Fire and Rescue, Inc.

FOR GLEN ECHO, MARYLAND FIRE AND RESCUE

P.M. Stillerman, Chief — Date
Glen Echo Fire Department

PROPERTY OF MARYLAND DLS LIBRARY

Amendments to House Bill 211
(First Reading File Bill)

Amendment No. 1

On page 1 in line 9 strike "and" and in line 10 after "regulations" insert "; and providing that nothing in this subtitle is intended to affect or limit certain powers and duties of the Secretary of Health and Mental Hygiene".

Amendment No. 2

On page 1 in line 13 strike "and" and after "1-604" insert ", and 1-605".

Amendment No. 3

On page 2 in the unnumbered line following line 11, insert "1-605

NOTHING IN THIS SUBTITLE IS INTENDED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE UNDER HEALTH-ENVIRONMENTAL ARTICLE, §9-204."

PROPERTY OF MARYLAND STATE ARCHIVES LIBRARY

FISCAL ESTIMATE OF LEGISLATION

June 17

TO: Supervising Analyst, Fiscal Note System, Department of Fiscal Services
Maryland General Assembly, 90 State Circle, Room 226, Annapolis, Maryland DATE: January 8, 1986

FROM: N. R. Police

BILL/RESOLUTION NUMBER: HB-211 COMPANION BILL: _____ COMMITTEE REFERRAL: _____

SHORT TITLE: Recreational Use of State Waters

Prepared by: Sgt. Louis W. Ritter Title: Boating Safety Officer Telephone: 269-2247

Copy of Agency testimony on bill included: Yes ____ No X If no, testimony will be sent by (Date): _____

1. Please describe the effect this legislation will have on your agency. Use additional pages if necessary:

State and Federal officers will be able to reduce drownings in a particularly hazardous portion of the Potomac River by issuing warnings and citations.

2. Has no fiscal impact on this agency because:

Warning tickets generate no monies. Citation monies (fines) go to the District Court system. Enforcement will be done by the existing State and Federal officers assigned to this area.

3. Has your agency included a budget request for the activity required by this bill? Yes ____ No X.

If yes, please indicate the amount requested $_____ and budget code: _____

FISCAL IMPACT SUMMARY - SHOW DECREASES IN PARENS

4. Will provide an estimated additional revenue increase or (decrease) as follows:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

5. Will require an estimated additional expenditure increase or (decrease) in funds as follows:

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

6. Net Effect (TOTAL of 4 and 5):

	General Funds	Special Funds	Federal Funds	Local Funds	TOTAL
First Year					
Second Year					
Third Year					
Fourth Year					
Fifth Year					

HB 211

ENVIRONMENTAL ASSESSMENT FORM (EAF)

This form is to assist the reviewers in determining whether a proposed action could cause significant natural and socio-economic environmental effects and thus require an Environmental Effects Report.

DEPARTMENT Natural Resources DIVISION Natural Resources Police

OTHER PROJECT TITLE

PROJECTED DATES: COMMENCEMENT COMPLETION

PROJECTED COST

I BACKGROUND INFORMATION

1. Give a brief description of the proposed action/project(s)

This bill would allow the Secretary of Natural Resources to make regulations prohibiting water contact sports in certain hazardous areas of the State's waters.

2. Describe the geographical area(s) which will be affected by the action/project(s). Specifically locate the project by using the Maryland Coordinate Grid System, include distinguishing natural and man-made features and a brief description of the present use of the area(s). Include a suitable location map (sketch map or copy of U.S. Geological Survey map, etc.).

All waters in the State of Maryland and adjacent seas.

II ASSESSMENT OF SIGNIFICANT ENVIRONMENTAL EFFECTS

The following questions should be answered by placing a check in the appropriate column(s). If desirable, the "comments attached" column can be checked by itself or in combination with an answer of "yes" or "no" to provide additional information or to overcome an affirmative presumption.

In answering the questions, the significant beneficial and adverse, short and long term, effects of the proposed action, on-site and off-site, during construction and operation should be considered.

All questions should be answered as if the agency is subject to the same requirements as a private person requesting a license or permit from the State or Federal Government.

A. LAND USE CONSIDERATIONS	Yes	No	Comments Attached
1. Will the action be within the 100 year flood plain?		X	
2. Will the action require a permit for construction or alteration within the 50 year flood plain?		X	
3. Will the action require a permit for dredging, filling, draining or alteration of a wetland?		X	
4. Will the action require a permit for the facilities for solid waste disposal including dredge and excavation spoil?		X	
5. Will the action occur on slopes exceeding 50%?		X	
6. Will the action require a grading plan or a sed iment control permit?		X	
7. Will the action require a mining permit for deep or surface mining?		X	
8. Will the action require a permit for drilling a gas or oil well?		X	
9. Will the action require a permit for airport Construction?		X	
10. Will the action require a permit for the crossing of the Potomac River by conduits, cables or other like devices?		X	
11. Will the action affect the use of a public recreation area, park, forest, wildlife management area, scenic river or wildland?		X	
12. Will the action affect the use of any natural or man-made features that are unique to the county, state or nation?		X	
13. Will the action affect the use of an archaeological or historical site or structure?		X	
B. WATER USE CONSIDERATIONS			
14. Will the action require a permit for the change of the course, current, or cross-section of a stream or other body of water?		X	

B. WATER LST CONSIDERATIONS (cont'd)	Yes	No	Comments Attached
15. Will the action require the construction, alteration or removal of a dam, reservoir or waterway obstruction?		X	
16. Will the action change the overland flow of storm water or reduce the absorption capacity of the ground?		X	
17. Will the action require a permit for the drilling of a water well?		X	
18. Will the action require a permit for water appropriation?		X	
19. Will the action require a permit for the construction and operation of facilities for treatment or distribution of water?		X	
20. Will the project require a permit for the construction and operation of facilities for sewage treatment and/or land disposal of liquid waste derivatives?		X	
21. Will the action result in any discharge into surface or sub-surface water?		X	
22. If so, will the discharge affect ambient water quality parameters and/or require a discharge permit?		X	
C. AIR USE CONSIDERATIONS			
23. Will the action result in any discharge into the air?		X	
24. If so, will the discharge affect ambient air quality parameters or produce a disagreeable odor?		X	
25. Will the action generate additional noise which differs in character or level from present conditions?		X	
26. Will the action preclude future use of related air space?		X	
27. Will the action generate any radiological, electrical, magnetic, or light influences?		X	
D. PLANTS AND ANIMALS			
28. Will the action cause the disturbance, reduction or loss of any rare, unique or valuable plant or animal?		X	
29. Will the action result in the significant reduction or loss of any fish or wildlife habitats?		X	
30. Will the action require a permit for the use of pesticides, herbicides or other biological, chemical or radiological control agents?		X	
E. SOCIO-ECONOMIC			
31. Will the action result in a preemption or diversion of properties or impair their economic use?		X	
32. Will the action cause relocation of activities, structures or result in a change in the population density or distribution?		X	

E. SOCIO-ECONOMIC (cont'd)	Yes	No	Comments Attached
33. Will the action alter land values?		X	
34. Will the action affect traffic flow and volume?		X	
35. Will the action affect the production, extraction, harvest or potential use of a scarce or economically important resource?		X	
36. Will the action require a license to construct a sawmill or other plant for the manufacture of forest products?		X	
37. Is the action in accord with federal, state, regional and local comprehensive or functional plans -- including zoning?	X		
38. Will the action affect the employment opportunities for persons in the area?		X	
39. Will the action affect the ability of the area to attract new sources of tax revenue?		X	
40. Will the action discourage present sources of tax revenue from remaining in the area, or affirmatively encourage them to relocate elsewhere?		X	
41. Will the action affect the ability of the area to attract tourism?		X	
F. OTHER CONSIDERATIONS			
42. Could the action endanger the public health, safety or welfare?		X	
43. Could the action be eliminated without deleterious effects to the public health, safety, welfare or the natural environment?		X	
44. Will the action be of statewide significance?	X		
45. Are there any other plans or actions (federal, state, county or private) that, in conjunction with the subject action, could result in a cumulative or synergistic impact on the public health, safety, welfare or environment?		X	
46. Will the action require additional power generation or transmission capacity?		X	
G. CONCLUSION			
47. This agency will develop a complete environmental effects report on the proposed action.		X	

Marine Trades Association of Maryland, Inc.

"Working Together For The Marine Industry"

OFFICERS
President
Bob Slaff
IMTRA Corp.
Vice President
John Meneely
Shipwright Harbor Marina
Treasurer
Isabel Roberts
Maryland National Bank
Secretary
Helene McCrea
Nautico Marine Center
Executive Director
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263-8490/269-0741

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Piney Narrows Yacht Haven
Alan Bramble
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Jane Meneely
Bay Sailor
Donald Molter
Topaz Marine
Ron Council
Council, Baradel, Kosmerl
Peggy Reed
Mare Marine
Louis Phipps
The Yacht Basin
Ellen Honey
Chesapeake Bay Magazine
Carolyn Rice
South River Yacht Sales
Bob Spore
Md. Charter Boat Association
John Schwartz
U. of Md. Marine Advisory

Testimony
HB 211
Environmental Matters Committee
January 21, 1986

Mr. Chairman and members of the Committee.
I am Mick Blackistone, Executive Director of the Marine Trades Association of Maryland which represents over 1,600 marine related businesses throughout the State. These are recreational boating businesses. Due to a conflict in hearing scheduling with the Senate, I will be unable to testify personally before you today, but I would like to express the support of the marine trades industry for House Bill 211 which pertains to recreational use of State waters.
We urge your favorable report on this proposed legislation.
Thank you.

P. O. Box 3148 • Annapolis, Maryland 21403

Testimony Summary

BILL HB 211

WITNESS: Verna Harrison + Thomas Turner POSITION:

REPRESENTING: DNR (DNR Police) AMENDMENTS OFFERED

SUMMARY OF TESTIMONY

- prob - Potomac River drownings
- most of ~~this is pg~~ access to parkland, but the river is actually under MD juris.
- study done by American U.
- agmt US Parks service, MD & Va
- DNR ~~has~~ has boating regs in
- ~~no~~ auth to reg swimming for the safety re~~s~~

~~WITNESS:~~ ~~POSITION:~~

~~REPRESENTING:~~ ~~AMENDMENTS OFFERED~~

~~SUMMARY OF TESTIMONY~~

(DHMH has auth to prohibit swimming for hlth rea)

(con) DNR

- other juris will share in cost

AG- public service announcements?

- copy of agmt available

GJ- p 1623- is overbroad - ill remedium

~~WITNESS:~~ ~~POSITION:~~

~~REPRESENTING:~~ ~~AMENDMENTS OFFERED~~

~~SUMMARY OF TESTIMONY~~

TD- is State liable? - no more than elsewhere

Report of the Committee on Environmental Matters

Distribution Date: JANUARY 27, 1986
Second Reading Date: JANUARY 28, 1986
Report Number: 86-001

Bill No	Report	Sponsor	Relating to
FAVORABLE			
HB 28	FAV	Kittleman	Landfill or Sludge Composting Facility - Permits
HB 44	FAV	Colburn	Oyster Dredging - During Icing Conditions
HB 113	FWA/s	Pesci	Sentinel Birth Defect Program - Repeal of Termination Date
HB 183	FAV	Young	State Tobacco Authority - Daily Sales Quota
HB 201	FWA	Young	Solid Waste - Definition - Regulation and Disposal
HB 202	FWA/s	Young	Environmental Health - Administrative Civil Penalties - Hearings
HB 209	FAV	Young	Sale of Expired Migratory Waterfowl Stamps
HB 211	FWA	Young	Natural Resources - Recreational Use of State Waters
WITHDRAWN BY SPONSOR			
HB 182	UNF	Young	Maryland Department of Agriculture - Pesticide Applicator's Law
HB 216	UNF	Young	Water Pollution Control - Records and Reports
HB 265	UNF	McCaffrey	State Health Services Cost Review Commission - Rates - Minimum Occupancy
HB 266	UNF	McCaffrey	State Health Services Cost Review Commission - Proceedings - Burden of Proof
HB 268	UNF	McCaffrey	State Health Resources Cost Review Commission - Uniform Billing System

(Over)

CHAIRMAN

Report of the Committee on Environmental Matters

Distribution Date: JANUARY 27, 1986
Second Reading Date: JANUARY 28, 1986
Report Number: 86-001

Bill No	Report	Sponsor	Relating to
WITHDRAWN BY SPONSOR			
HB 269	UNF	McCaffrey	Health Services Cost Review Commission - Diagnosis-Based Rate
HB 272	UNF	McCaffrey	Health Care Cost Containment - Certificate of Need
HB 273	UNF	McCaffrey	Health Services Cost Review Commission - Rate Setting
HB 274	UNF	McCaffrey	Health Care Cost Containment - State Health Services Cost Review Commission
HB 359	UNF	Goldwater	Medical and Dental Radiation Technologists
UNFAVORABLE			
HB 62	UNF	Murphy n	Deer - Possession Allowed for Rehabilitation Purposes

CHAIRMAN

COMMITTEE REPORT H.B. 211 CONCURRENCE

Mr. Speaker, the Environmental Matters Committee accepts the Senate Economic and Environmental Affairs Committee's amendment to H. B. 211. This technical amendment changes the subtitle heading to conform to the body of the bill.

The Committee recommends concurrence with the Senate amendment.

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COMMITTEE REPORT HB-211

HEARING: 1/21/86

VOTE: FAV 15:3

BILL SUMMARY

THIS BILL WILL ALLOW THE SECRETARY OF NATURAL RESOURCES TO ADOPT REGULATIONS TO PROHIBIT DANGEROUS ACTS WHILE IN HAZARDOUS AREAS OF THE POTOMAC RIVER. THIS WOULD ALLOW STATE AND FEDERAL OFFICERS TO REMOVE SWIMMERS FROM DANGEROUS SITUATIONS ANS ISSUE WARNINGS AND CITATIONS WHICH THEY ARE UNABLE TO DO AT THE PRESENT TIME.

BILL RATIONALE

EVERY SPRING, NUMBEROUS DROWNINGS AND NEAR DROWNINGS OCCUR IN THE GREAT FALLS AREA OF THE POTOMAC RIVER. LEGISLATION IS NECESSARY TO ENABLE STATE AND FEDERAL OFFICERS TO REMOVE PERSONS IN DANGEROUS SITUATIONS AND TO CITE AND FINE REPEAT OFFENDERS.

AMEMNDMENT SUMMARY

AMENDMENT NO. 1 CHANGES THE TITLE AND PURPOSE PARAGRAPH TO CONFORM TO THE CHANGES MADE IN THE BILL.

AMENDMENT NO. 2 CHANGES THE FUNCTION PARAGRAPH TO CONFORM TO CHANGES MADE IN THE BILL.

AMENDMENT NO. 3 LIMITS THE APPLICATION OF THIS BILL TO THE AREA OF THE POTOMAC RIVER FROM THE MARYLAND/WASHINGTON, D.C. LINE NORTH TO EDWARDS FERRY ROAD TO ENCOMPASS THE GREAT FALLS AREA.

AMENDMENT NO. 4 CHANGES THE MAXIMUM POSSIBLE IMPRISONMENT FOR A VIOLATION FROM 3 MONTHS TO 2 MONTHS AND STRIKES THE PROVISION THAT STATES THAT THE COURT CAN IMPOSE COURT COSTS ON THE VIOLATOR.

AMERNDMENT NO. 5 CLARIFIES THAT THIS ACT DOES NOT LIMIT THE SECRETARY OF HEALTH AND MENTAL HYGIENE'S AUTHORITY TO REGULATE THE USE OF STATE WATERS FOR HEALTH PURPOSES.

AMENDMENT RATIONALE

AMENDMENT NO. 1 AND 2: ARE TECHNICAL

AMENDMENT NO. 3 LIMITS THE APPLICATION OF THIS ACT TO THE PLACE WHERE THERE HAS BEEN A PROBLEM. THAT IS - THE POTOMAC

COMMITTEE REPORTS HB-211

AMENDMENT NO. 3 LIMITS THE APPLICATION OF THIS ACT TO THE PLACE WHERE THERE HAS BEE A PROBLEM. THAT IS-THE POTOMAC RIVER NEAR GREAT FALLS. THAT IS THE ONLY AREA WHERE A SIGNIFICANT PROBLEMHAS OCCURRED WITH DROWNINGS AND NEAR DROWNINGS FROM NON-BOATING RELATED ACCIDENTS.

AMENDMENT NO. 4 CHANGES THE MAXIMUM IMPRISONMENT FOR A VIOLATION FROM 3 MONTHS TO 2 MONTHS SINCE THE COMMITTEE FELT THE VIOLATION WAS NOT SERIOUS ENOUGH TO WARRANT A MANDATORY JURY TRIAL. THE PROVISION THAT THE COURT CAN IMPOSE COURT COSTS ON THE VIOLATOR WAS STRICKEN AS UNNECESSARY SINCE THE COURT ALREADY HAS THAT AUTHORITY.

AMENDMENT NO. 5 WAS ADDED TO MAKE IT CLEAR THAT THIS DOES NOT LIMIT THE SECRETARY OF HEALTH AND MENTAL HYGIENE'S AUTHORITY OVER THE POTOMAC FOR HEALTH PURPOSES. IF SOME WATER POLLUTION OR OTHER PROBLEM WOULD ARISE THAT WOULD CAUSE A HEALTH HAZZARD FOR SWIMMERS THE SECRETARY OF HEALTH AND MENTAL HYGIENE WOULD PROHIBIT SWIMMING.

QUESTIONS AND RWSPONSES

Q: DOESN'T THE SECRETARY OF HEALTH HAVE AUTHORITY TO CLOSE THE RIVER TO SWIMMERS.

R: NO. THE HEALTH DEPARTMENTCAN ONLY PROHIBIT SWIMMING THERE IN A HEALTH HAZZARD DUE TO POLLUTION. THIS PROBLEM WITH DROWINGS IS DUE TO THE STRONG RIVER CURRENTS IN THIS AREA.

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STEPHEN H. SACHS
ATTORNEY GENERAL
ELEANOR M. CAREY
DEPUTY ATTORNEY GENERAL
CHARLES O. MONK II
DEPUTY ATTORNEY GENERAL
DENNIS M. SWEENEY
DEPUTY ATTORNEY GENERAL

OFFICES OF

ROBERT A. ZARNOCH
ASSISTANT ATTORNEY GENERAL
COUNSEL TO THE GENERAL ASSEMBLY
RICHARD E. ISRAEL
ASSISTANT ATTORNEY GENERAL
LINDA M. LAMONE
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL
104 LEGISLATIVE SERVICES BUILDING
90 STATE CIRCLE
ANNAPOLIS, MARYLAND 21401-1991
AREA CODE 301
BALTIMORE & LOCAL CALLING AREA 841-3889
WASHINGTON METROPOLITAN AREA 858-3889
TTY FOR DEAF - ANNAPOLIS 841-3814 - D.C. METRO 858-3814

May 2, 1986

The Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21401

Dear Governor Hughes:

As requested, we have examined the following bills and hereby approve them for constitutionality and legal sufficiency:

House Bills			Senate Bills
43	451	991*	193##
44	453	1044	232
58	534	1081**	256
64	782	1297	585
112	827	1345	590
208	858	1347***	594
211	891	1511	679
214	892	1607****	681###
215	956	1614#	776#
404	967	1661	967

Very truly yours,

Stephen H. Sachs
Attorney General

SHS:RAZ:mar
Enclosure
cc: Ben Bialek, Esq.
F. Carvel Payne
Hon. Lorraine Sheehan

* Enclosed is a letter of advice on House Bill 991.

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** The title of House Bill 1081 refers to "catching, possessing, and transporting" certain hybrids of striped bass. The body of the bill refers only to "catching". No constitutional defect exists because the title is broader than the body.

*** House Bill 1347 and Senate Bill 897 both amend §76 of Article 100, but neither bill conflicts.

**** House Bill 1607 does not conflict with House Bill 596. See Bill Review Letter on House Bill 596, dated May 2, 1986.

* The text of House Bill 1614 is identical to that of Senate Bill 776.

** Even though the title to Senate Bill 193 does not specifically refer to the new qualfications imposed on the tidal fish license exemption of §4-701(d)(3)(iii), we believe it can be argued that the changes are reflected in the title's "generally relating" clause.

*** Senate Bill 681 is virtually identical to House Bill 810, which was approved by this office on April 1, 1986.

BSN: 118

MARYLAND HOUSE OF DELEGATES
HB 211 DEL. YOUNG USE OF STATE WATERS
THIRD READING CAL.# 2
PRESIDING: SPEAKER CARDIN

REGULAR SESSION

118 YEAS 4 NAYS 0 EXC 19 NOT VOTING 1/31/86 12:37 PM

VOTING YEA:

SPEAKER CARDIN	SAUERBREY	LITTRELL	COUNIHAN
PARLETT	ALPERSTEIN	COX	TOTH
BELL	HOLLINGER	REHRMANN	GOLDWATER
SLADE	LEVIN	CLARK	KOPP
MITCHELL	MASTERS	LUTZ	BOERGERS
ASTLE	MORSBERGER	CUMMINGS	GORDON
HAGNER	MURPHY N.	KIRK	KOSS
KRAMER	LONG	YOUNG	ROBERTSON
KOLODZIEJSKI	COLBURN	ADAMS	SHER
LEOPOLD	MURRAY	HUGHES R.	GARROTT
TUROC	MENES	RAWLINGS	MAURER
SCANNELLO	MOONEY	MURPHY M.	OWENS
SCHMINCKE	BIRD	OAKS	HIXSON
GARY	PALUMBO	CAMPBELL	KIRCHENBAUER
NEALL	PESCI	ROSENBERG	RUBEN
SMITH	DEVLIN	CURRAN	BYRNES
RYMER	PITKIN	HERGENROEDER	FINAN
LINTON	RYAN	MUTH	TAYLOR
LAMOTTE	SANTANGELO	MCCOY	DIXON
COLLINS	DONALDSON	PERKINS	MATTHEWS
CONNELLY	PERRY	DAVIS	THOMAS
WEIR	JONES	DOUGLASS	BEVAN
ARNICK	PATTERSON	DIPIETRO	BUSWELL
STAAB	MCCAFFREY	DYPSKI	KASEMEYER
BURGESS	VALLARIO	MIEDUSIEWSKI	KITTLEMAN
HUGHES D.	ALEXANDER	AVARA	JOHNSON
KERNAN	ASHLEY	O'MALLEY	RILEY
KLIMA	PILCHARD	WEISENGOFF	EDWARDS
CHAMBERLAIN	MCCLELLAN	CALLAS	
KACH	MORNINGSTAR	MULDOWNEY	

VOTING NAY:

SPRAGUE	WYNN		
GUNS	HATTERY		

NOT VOTING:

ATHEY	MALONEY	PHILLIPS	HYATT
DEPAZZO	EXUM	ANDERSON C.	MORELLA
ANDERSON D.	WOODS	HARRISON	FOREHAND
BARTENFELDER	RUMMAGE	MUNSON	HARCHENHORN
HORNE	KREAMER	CHASNOFF	

EXCUSED: NONE

BSN:1630

MARYLAND HOUSE OF DELEGATES
HB 211 DEL. YOUNG USE OF STATE WATERS
HOUSE BILL AMENDED IN THE SENATE BILL ON THIRD READING FOR FINAL PASSAGE
REGULAR SESSION
PRESIDING: SPEAKER CARDIN
101 YEAS 2 NAYS 0 EXC 38 NOT VOTING 4/03/86 7:51 PM

VOTING YEA:

SPEAKER CARDIN
BELL
MITCHELL
KRAMER
KOLODZIEJSKI
LEOPOLD
TURC
ATHEY
SCANNELLO
SCHMINCKE
GARY
NEALL
SMITH
RYMER
LINTON
LAMOTTE
COLLINS
CONNELLY
WEIR
ARNICK
DEPAZZO
STAAB
ANDERSON D.
BARTENFELDER
BURGESS
HUGHES D.
KERNAN
KLIMA
KACH
SAUERBREY
ALPERSTEIN
HOLLINGER
LEVIN
MASTERS
MORSBERGER
MURPHY N.
HORNE
LONG
COLBURN
MURRAY
MALONEY
MENES
PESCI
DEVLIN
PITKIN
RYAN
PERRY
WYNN
JONES
PATTERSON
RUMMAGE
ASHLEY
PILCHARD
MORNINGSTAR
HATTERY
COX
KREAMER
REHRMANN
CLARK
LUTZ
CUMMINGS
KIRK
YOUNG
HUGHES R.
OAKS
PHILLIPS
CAMPBELL
ROSENBERG
ANDERSON C.
DOUGLASS
HARRISON
DIPIETRO
MIEDUSIEWSKI
O'MALLEY
CALLAS
MUNSON
MULDOWNEY
CHASNOFF
COUNIHAN
TOTH
GOLDWATER
KOPP
MORELLA
BOERGERS
FOREHAND
ROBERTSON
SHER
GARROTT
OWENS
HIXSON
KIRCHENBAUER
RUBEN
BYRNES
FINAN
TAYLOR
THOMAS
BEVAN
KITTLEMAN
JOHNSON
RILEY
EDWARDS

VOTING NAY:

GUNS
HARCHENHORN

NOT VOTING:

PARLETT
SLADE
ASTLE
HAGNER
SPRAGUE
CHAMBERLAIN
MOONEY
BIRD
PALUMBO
EXUM
SANTANGELO
WOODS
DONALDSON
MCCAFFREY
VALLARIO
ALEXANDER
MCCLELLAN
LITTRELL
ADAMS
RAWLINGS
MURPHY M.
CURRAN
HERGENROEDER
MUTH
MCCOY
PERKINS
DAVIS
DYPSKI
AVARA
WEISENGOFF
HYATT
GORDON
KOSS
MAURER
DIXON
MATTHEWS
BUSWELL
KASEMEYER

EXCUSED FROM VOTING: NONE

BILL: 964

MARYLAND STATE SENATE
HB 211
3RD READING

REGULAR SESSION

46 YEAS 0 NAYS 0 EXC 1 NOT VOTING 3/27/86 5:31 PM

VOTING YEA:

MR. PRESIDENT
AMOSS
BAINUM
BAKER
BAMBACUS
BECK
BLOUNT
BONVEGNA
BOOZER
BRAILEY
BROMWELL
CADE
CLARK
COOLAHAN
CUSHWA
DELLA
DENIS
DERR
DONOVAN
DORMAN
FOWLER
GREEN
HOFFMAN
IRBY
JIMENO
KELLY
KOMENDA
KRAMER
LAPIDES
LEVITAN
LONG
MALKUS
MILLER
O'REILLY
PICA
RASMUSSEN
RILEY
SCHWEINHAUT
SHORE
SIMPSON
SMELSER
STONE
TROTTER
WAGNER
WINEGRAD
YEAGER

VOTING NAY: NONE

NOT VOTING:

MITCHELL

EXCUSED: NONE

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BY: COMMITTEE ON ECONOMIC AND ENVIRONMENTAL AFFAIRS

AMENDMENT TO HOUSE BILL NO. 211

(THIRD READING FILE BILL)

ON PAGE 2, IN LINE 1, STRIKE "STATE WATERS" AND SUBSTITUTE "THE POTOMAC RIVER".

ADOPTED
BY THE SENATE
3-26-86
DATE

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BY: COMMITTEE ON ECONOMIC AND ENVIRONMENTAL AFFAIRS

AMENDMENTS CHECKED BY THE DEPT. OF LEGISLATIVE REFERENCE

AMENDMENT TO HOUSE BILL NO. 211

(THIRD READING FILE BILL)

ON PAGE 2, IN LINE 1, STRIKE "STATE WATERS" AND SUBSTITUTE "THE POTOMAC RIVER".

ADOPTED BY THE HOUSE

4/3/86

DATE

PROPERTY OF MARYLAND DLS LIBRARY

By: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 21

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 in line 2 strike "State Waters" and substitute "the Potomac River"; in line 5 strike "the State waters" and on line 9 strike "waters of the State", and, in each instance, substitute "a certain section of the Potomac River"; and in line 9 strike "And", and in line 10 after "regulations" insert "; and providing that nothing in this subtitle is intended to affect or limit certain powers and duties of the Secretary of Health and Mental Hygiene".

AMENDMENT NO. 2

On page 1, in line 13 strike "and" and after "1-604" insert ", and 1-605"; and in lines 14 and 15 strike "State Waters" and substitute "the Potomac River".

AMENDMENT NO. 3

On page 1 in line 24 strike "STATE WATERS" and substitute "POTOMAC RIVER"; and in line 28 after "TIME" insert ", SPECIFICALLY, THAT SECTION OF THE POTOMAC RIVER BEGINNING AT THE DISTRICT OF COLUMBIA AND MARYLAND BOUNDARY LINE WHICH CROSSES THE POTOMAC RIVER APPROXIMATELY ONE-HALF MILE NORTH OF CHAIN BRIDGE AND CONTINUING UPSTREAM TO A LINE ACROSS THE

(Over)

AMENDMENTS CHECKED BY THE DEPT. OF LEGISLATIVE REFERENCE

Date: 1-27-86

ADOPTED
BY THE HOUSE
1/28/86
DATE

PRESERVATION OF MARYLAND DLS LIBRARY

Amendments to HB 211

Page two

POTOMAC RIVER AT EDWARDS FERRY ROAD"; and on page 2 in line 2, strike "WATERS OF THE STATE" and substitute "THE HAZARDOUS SECTION OF THE POTOMAC RIVER AS DESCRIBED IN THIS SUBTITLE".

AMENDMENT NO. 4

On page 2, in line 10 strike "1" and substitute "2"; and strike beginning with ", WITH" in line 10 down through "COURT" in line 11.

AMENDMENT NO. 5

On page 2 after line 11, insert

"1-605.

NOTHING IN THIS SUBTITLE IS INTENDED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE UNDER THE HEALTH-ENVIRONMENTAL ARTICLE, §9-204.".

HOUSE OF DELEGATES

61r1262 No. 211 M1
(PRE-FILED)

By: Delegate Young (Departmental - Natural Resources)
Requested: November 15, 1985
Introduced and read first time: January 8, 1986
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning ~~A certain portion of~~ THE POTOMAC RIVER

Natural Resources - Recreational Use of ~~State Waters~~

FOR the purpose of authorizing the Secretary of Natural Resources to adopt regulations to foster water safety for recreational uses of ~~the State waters~~, including swimming, bathing, wading, diving, tubing, rafting, and other uses involving contact with the water; making the Secretary responsible for administering a program of water safety for recreational uses of ~~waters of the State~~; ~~and~~ providing a penalty for violations of Departmental regulations; and providing that nothing in this subtitle is intended to affect or limit certain powers and duties of the Secretary of Health and Mental Hygiene".

BY adding to

Article - Natural Resources
Section 1-601, 1-602, 1-603, ~~and~~ 1-604 and 1-605 to be under the new subtitle "Subtitle 6. Recreational Use of ~~State Waters~~"
Annotated Code of Maryland
(1983 Replacement Volume and 1985 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

SUBTITLE 6. RECREATIONAL USE OF STATE WATERS

1-601.

IT IS THE POLICY OF THE STATE TO FOSTER WATER SAFETY FOR RECREATIONAL USES OF THE ~~STATE WATERS~~ POTOMAC RIVER, INCLUDING SWIMMING, BATHING, WADING, DIVING, TUBING, RAFTING, AND OTHER USES INVOLVING CONTACT WITH THE WATER. THERE IS A PARTICULAR NEED TO RESTRICT THE RECREATIONAL USE OF CERTAIN WATERS KNOWN TO BE HAZARDOUS TO PERSONAL SAFETY SOME OR ALL OF THE TIME.

SPECIFICALLY, THAT SECTION OF THE POTOMAC RIVER BEGINNING AT THE DISTRICT OF COLUMBIA AND MARYLAND BOUNDARY LINE WHICH CROSSES THE POTOMAC RIVER APPROXIMATELY ONE-HALF MILE NORTH OF CHAIN BRIDGE AND CONTINUING UPSTREAM TO A LINE ACROSS THE POTOMAC RIVER AT EDWARDS FERRY ROAD"

STATE OF MARYLAND

COMPTROLLER OF THE TREASURY RETAIL SALES TAX DIVISION

SUGGESTED FORM FOR
BLANKET CERTIFICATE OF RESALE

Date_____

This is to certify that all material, merchandise, or goods purchased by the undersigned from the_____ Company

(Address)

after_____ (Date) is purchased for the following purpose:

( ) Resale as tangible personal property

( ) To be incorporated as a material or part of other tangible personal property to be produced for sale by manufacturing, assembling, processing or refining.

This certificate shall be considered a part of each order which we shall give provided such order bears our Maryland Sales Tax Registration Number.

Purchaser's Name_____

Purchaser's Address_____

Signature_____

Purchaser's Maryland Sales Tax Registration Number

Title_____

RST 490 1/75

STATE OF MARYLAND

COMPTROLLER OF THE TREASURY RETAIL SALES TAX DIVISION

SUGGESTED FORM FOR
BLANKET CERTIFICATE OF RESALE

Date_____

This is to certify that all material, merchandise, or goods purchased by the undersigned from the_____ Company

(Address)

after_____ (Date) is purchased for the following purpose:

( ) Resale as tangible personal property

( ) To be incorporated as a material or part of other tangible personal property to be produced for sale by manufacturing, assembling, processing or refining.

This certificate shall be considered a part of each order which we shall give provided such order bears our Maryland Sales Tax Registration Number.

Purchaser's Name_____

Purchaser's Address_____

Signature_____

Purchaser's Maryland Sales Tax Registration Number

Title_____

29 1-602.

2 HOUSE BILL No. 211

THE SECRETARY IS RESPONSIBLE FOR ADMINISTERING A PROGRAM OF WATER SAFETY FOR RECREATIONAL USES OF ~~WATERS OF THE STATE~~ THE HAZARDOUS SECTION OF THE POTOMAC RIVER AS DESCRIBED IN THIS SUBTITLE.

1-603.

THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

1-604.

ANY PERSON WHO VIOLATES ANY REGULATION ADOPTED PURSUANT TO THE PROVISIONS OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR. UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT EXCEEDING $500, OR IMPRISONMENT NOT EXCEEDING ~~3~~ MONTHS, OR BOTH~~, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT~~.

"1-605.

NOTHING IN THIS SUBTITLE IS INTENDED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE UNDER THE HEALTH-ENVIRONMENTAL ARTICLE, §9-204.".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

ECONOMIC AND ENVIRONMENTAL AFFAIRS COMMITTEE

Date 3/14/86

SB _____ HB 211

SJR _____ HJR _____

SR _____

Favorable	
Favorable with amendments	✓
Re-refer	
Unfavorable	
Hold	
Other	

	Yeas	Nays
STONE, Chairman	✓	
DORMAN, Vice Chairman	✓	
BAMBACUS	✓	
BRAILEY	✓	
CLARK	✓	
CUSHWA	✓	
DERR	✓	
DONOVAN	✓	
KRAMER	✓	
MALKUS	not present	
SHORE	✓	

TOTAL 10

HOUSE OF DELEGATES

61r1762

No. 211
(PRE-FILED) M1

By: Delegate Young (Departmental - Natural Resources)
Requested: November 15, 1985
Introduced and read first time: January 8, 1986
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: January 28, 1986

CHAPTER _____

AN ACT concerning

Natural Resources - Recreational Use of ~~State Waters~~ the Potomac River

FOR the purpose of authorizing the Secretary of Natural Resources to adopt regulations to foster water safety for recreational uses of ~~the State waters~~ a certain section of the Potomac River, including swimming, bathing, wading, diving, tubing, rafting, and other uses involving contact with the water; making the Secretary responsible for administering a program of water safety for recreational uses of ~~waters of the State~~ a certain section of the Potomac River; and providing a penalty for violations of Departmental regulations; and providing that nothing in this subtitle is intended to affect or limit certain powers and duties of the Secretary of Health and Mental Hygiene.

BY adding to

Article - Natural Resources
Section 1-601, 1-602, 1-603, and 1-604, and 1-605 to be under the new subtitle "Subtitle 6. Recreational Use of ~~State Waters~~ the Potomac River"
Annotated Code of Maryland
(1983 Replacement Volume and 1985 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

SUBTITLE 6. RECREATIONAL USE OF STATE WATERS

1-601.

IT IS THE POLICY OF THE STATE TO FOSTER WATER SAFETY FOR RECREATIONAL USES OF THE ~~STATE-WATERS~~ POTOMAC RIVER, INCLUDING SWIMMING, BATHING, WADING, DIVING, TUBING, RAFTING, AND OTHER USES INVOLVING CONTACT WITH THE WATER. THERE IS A PARTICULAR NEED TO RESTRICT THE RECREATIONAL USE OF CERTAIN WATERS KNOWN TO BE HAZARDOUS TO PERSONAL SAFETY SOME OR ALL OF THE TIME, SPECIFICALLY, THAT SECTION OF THE POTOMAC RIVER BEGINNING AT THE DISTRICT OF COLUMBIA AND MARYLAND BOUNDARY LINE WHICH CROSSES THE POTOMAC RIVER APPROXIMATELY ONE-HALF MILE NORTH OF CHAIN BRIDGE AND CONTINUING UPSTREAM TO A LINE ACROSS THE POTOMAC RIVER AT EDWARDS FERRY ROAD.

1-602.

THE SECRETARY IS RESPONSIBLE FOR ADMINISTERING A PROGRAM OF WATER SAFETY FOR RECREATIONAL USES OF ~~WATERS-OF-THE-STATE~~ THE HAZARDOUS SECTION OF THE POTOMAC RIVER AS DESCRIBED IN THIS SUBTITLE.

1-603.

THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

1-604.

ANY PERSON WHO VIOLATES ANY REGULATION ADOPTED PURSUANT TO THE PROVISIONS OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR. UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT EXCEEDING $500, OR IMPRISONMENT NOT EXCEEDING 3 2 MONTHS, OR BOTH, ~~WITH--COSTS IMPOSED-IN-THE-DISCRETION-OF-THE-COURT~~.

1-605.

NOTHING IN THIS SUBTITLE IS INTENDED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE UNDER THE HEALTH - ENVIRONMENTAL ARTICLE, § 9-204.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Need legislation to protect my lessees Environmental Health

U.S. pollution

ENVIRONMENTAL MATTERS COMMITTEE

VOTE TALLY

H.B. 211 — 1-23-86 (Date) — S.B. _____ — S.J.R. _____

H.J.R. _____ — X Amended — ____ Re-refer to _____

MOTION: ____ Favorable — ____ Hold — ____ Other _____

____ Unfavorable

	YEAS	NAYS	ABSTAIN	ABSENT
YOUNG, Chairman				
McCAFFREY, V. C.				
CHAMBERLAIN				
CLARK	✓			
DiPIETRO				
DYPSKI				
FINAN		✓		
GOLDWATER	✓			
GUNS		✓		
HIXSON	✓			
HOLLINGER	✓			
JOHNSON	✓			
KRAMER	✓			
LaMOTTE		✓		
McCLELLAN				
MURPHY	✓			
PARLETT	✓			
PATTERSON	✓			
PITKIN	✓			
SCHWINCKE	✓			
SLADE	✓			
THOMAS	✓			
TOTH	✓			
WEIN	✓			
TOTAL	15	3		

NOTE: Comments, if any, must be made known to the members BEFORE the Vote.

COMMENTS: FAV / A 3

Committee Recorder: [signature]

MARYLAND GENERAL ASSEMBLY
DEPARTMENT OF FISCAL SERVICES

FISCAL NOTE

HB 211

House Bill 211 (Delegate Young) [Departmental - Natural Resources]

Environmental Matters

SUMMARY OF LEGISLATION: This bill authorizes the Department of Natural Resources to restrict the recreational use of water areas that are known to be hazardous to personal safety under certain conditions or at all times and to adopt regulations necessary to administer a water safety program in Maryland. Persons found guilty of violating safety regulations are subject to a maximum fine of $500 and/or imprisonment up to 3 months.

STATE FISCAL IMPACT STATEMENT: No effect.

LOCAL FISCAL IMPACT STATEMENT: No effect.

STATE REVENUES: The Department of Natural Resources anticipates very few violations of water safety regulations which would require the issuance of a citation by Departmental personnel.

STATE EXPENDITURES: The Department of Natural Resources advises that enforcement of water safety regulations can be performed using current personnel and resources.

LOCAL REVENUES: No effect.

LOCAL EXPENDITURES: No effect.

INFORMATION SOURCE: Department of Natural Resources

ESTIMATE BY: DFS and DNR

Fiscal Note History: First Reader - January 15, 1986

Per: L.E. Logan
nlr

Joseph M. Coble, Director
Division of Fiscal Research

MARYLAND GENERAL ASSEMBLY
DEPARTMENT OF FISCAL SERVICES

FISCAL NOTE

REVISED FISCAL NOTE HB 211

House Bill 211 (Delegate Young) (Departmental - Natural Resources)

Environmental Matters

Referred to Econ. & Environ. Affairs

SUMMARY OF LEGISLATION: This amended bill authorizes the Department of Natural Resources to restrict the recreational use of the hazardous section of the Potomac River (specifically that section of the Potomac River beginning at the District of Columbia and Maryland boundary line which crosses the Potomac River approximately one-half mile north of the Chain Bridge and continuing upstream to a line across the Potomac River at Edward Ferry Road). Persons found guilty of violating safety regulations are subject to a maximum fine of $500 and/or imprisonment up to 2 months.

STATE FISCAL IMPACT STATEMENT: No effect.

LOCAL FISCAL IMPACT STATEMENT: No effect.

STATE REVENUES: The Department of Natural Resources anticipates very few violations of water safety regulations which would require the issuance of a citation by Departmental personnel.

STATE EXPENDITURES: The Department of Natural Resources advises that enforcement of water safety regulations can be performed using current personnel and resources.

LOCAL REVENUES: No effect.

LOCAL EXPENDITURES: No effect.

INFORMATION SOURCE: Department of Natural Resources

ESTIMATE BY: DFS and DNR

Fiscal Note History: First Reader - January 15, 1986
Revised - House Third Reader - January 31, 1986

Per: L.E. Logan
nlr

Joseph M. Coble, Director
Division of Fiscal Research

27 DNR # 15

REQUEST FORM

Ben Bialek
Fred. R. Millhiser
Jane Nishida
Ronald Wincholt

HB211
2
6
2
OK

Sponsor _____ Drafted by _____

Date Drafted 11/19

(Dept. - Natural Resources) Requested by Jennifer Riggio

(Administration) Request Date _____ Taken by _____

For Bill-Drafting Use Only

Short Title: Recreational Use of State Waters

Subject: _____

SPECIAL INSTRUCTIONS: Sprint - Camera Ready - Return to NOELLE

For Jennifer Riggio 6-3336

Cross File	File Code M1	Prior Introduction

Acknowledged: _____ by / date

Computer: To 11/20 From 11/25

TO Legislative Drafting Room Supervisor for Review

Comments: _____

Legislative Drafting Room Supervisor / / Mo Day Yr

Comments Noted _____

TO Principal Analyst/Legislative Drafting for Review

Comments: _____

Principal Analyst / / Mo Day Yr

Comments Noted _____

1986 SESSION

BILL ORDER

(lb) AN ACT concerning

Natural Resources - - Recreational Use of State Waters

FOR the purpose of Authorizing the Secretary of Natural Resources to adopt regulations to foster water safety for recreational uses of the State waters, including swimming, bathing, wading, diving, tubing, rafting, and other uses involving contact with the water; making the Secretary responsible for administering a program of water safety for recreational uses of waters of the State; and providing a penalty for violations of Departmental regulations.

(rr) By repealing and re-enacting, with amendments,
or
(add) By adding to
or
(r) By repealing

Article Natural Resources

Section 1-601 - 1-604 to be under the new subtitle "Subtitle 6. Recreational Use of State Waters" as per JR 11-21-85

Annotated Code of Maryland

(1984 Replacement Volume and 1985 Supplement)

(Title as appropriate)

(ef) July 1 effective date

(sev) - severability clause

(eed) emergency effective date

(sii) - salary increase not to affect incumbent

(ned) abnormal effective date:_____

Office_____

-1-

1-601 IT IS THE POLICY OF THE STATE TO FOSTER WATER SAFETY FOR RECREATIONAL USES OF THE STATE WATERS, INCLUDING SWIMMING, BATHING, WADING, DIVING, TUBING, RAFTING, AND OTHER USES INVOLVING CONTACT WITH THE WATER. THERE IS A PARTICULAR NEED TO RESTRICT THE RECREATIONAL USE OF CERTAIN WATERS KNOWN TO BE HAZARDOUS TO PERSONAL SAFETY SOME OR ALL OF THE TIME.

1-602 THE SECRETARY IS RESPONSIBLE FOR ADMINISTERING A PROGRAM OF WATER SAFETY FOR RECREATIONAL USES OF WATERS OF THE STATE.

1-603 THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

1-604 ANY PERSON WHO VIOLATES ANY REGULATION ADOPTED PURSUANT TO THE PROVISIONS OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR. UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT EXCEEDING $500, OR IMPRISONMENT NOT EXCEEDING THREE MONTHS, OR BOTH, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT.

PROPERTY OF MARYLAND DISTRICT LIBRARY

61r1262

M1

Typed by eo/nishida
Proofread by
Corrected by
Checked by

By: (Departmental - Natural Resources)

A BILL ENTITLED

AN ACT concerning

Natural Resources - Recreational Use of State Waters

FOR the purpose of authorizing the Secretary of Natural Resources to adopt regulations to foster water safety for recreational uses of the State waters, including swimming, bathing, wading, diving, tubing, rafting, and other uses involving contact with the water; making the Secretary responsible for administering a program of water safety for recreational uses of waters of the State; and providing a penalty for violations of Departmental regulations.

BY adding to

Article - Natural Resources

Section 1-601, 1-602, 1-603, and 1-604 to be under the new subtitle "Subtitle 6. Recreational Use of State Waters"

Annotated Code of Maryland

(1983 Replacement Volume and 1985 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

61r1262

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

1-601.

IT IS THE POLICY OF THE STATE TO FOSTER WATER SAFETY FOR RECREATIONAL USES OF THE STATE WATERS, INCLUDING SWIMMING, BATHING, WADING, DIVING, TUBING, RAFTING, AND OTHER USES INVOLVING CONTACT WITH THE WATER. THERE IS A PARTICULAR NEED TO RESTRICT THE RECREATIONAL USE OF CERTAIN WATERS KNOWN TO BE HAZARDOUS TO PERSONAL SAFETY SOME OR ALL OF THE TIME.

1-602.

THE SECRETARY IS RESPONSIBLE FOR ADMINISTERING A PROGRAM OF WATER SAFETY FOR RECREATIONAL USES OF WATERS OF THE STATE.

1-603.

THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

1-604.

ANY PERSON WHO VIOLATES ANY REGULATION ADOPTED PURSUANT TO THE PROVISIONS OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR. UPON CONVICTION, THE PERSON IS SUBJECT TO A FINE NOT EXCEEDING $500, OR IMPRISONMENT NOT EXCEEDING 3 MONTHS, OR BOTH, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT.

61r1262

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall 98
take effect July 1, 1986.

PROPERTY OF MARYLAND DLS LIBRARY

Chapter 140

(House Bill 797)

AN ACT concerning

Transportation Projects – ~~Bridges~~ Transportation Facilities – Water Access

FOR the purpose of requiring the Department of Transportation and local governments, in developing a construction or improvement project involving a bridge ~~that~~ or other transportation facility that is adjacent to or crosses a waterway, to ~~incorporate, to the extent feasible,~~ consider any reasonable and appropriate measures to provide or improve certain water access for certain activities; requiring the Department and local governments, in consultation with certain entities, to establish certain ~~inventories of certain bridges and approaches to bridges; requiring the Department and local governments to review certain bridge construction and improvement projects to determine which of the projects can safely and reasonably incorporate the provision of or improvements to water access for certain activities~~ standards and guidelines for identifying appropriate transportation facilities for certain water access and best practices and cost effective strategies to accommodate certain water access; and generally relating to the incorporation of water access considerations into construction or improvement projects involving a ~~bridge~~ transportation facility.

BY adding to
~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~
~~Section 25–101 to be under the new title "Title 25. Transportation Planning"~~
~~Annotated Code of Maryland~~
~~(2011 Replacement Volume and 2012 Supplement)~~

Article – Local Government
Section 1–1309
Annotated Code of Maryland
(As enacted by Chapter 119 (H.B. 472) of the Acts of the General Assembly of 2013)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 2–103.1(c)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to
Article – Transportation
Section 2–103.1(c)(7)

Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~**Article 24 – Political Subdivisions – Miscellaneous Provisions**~~

~~**TITLE 25. TRANSPORTATION PLANNING.**~~

~~**25–101.**~~

Article – Local Government

1–1309.

(A) A COUNTY OR MUNICIPALITY, IN DEVELOPING A CONSTRUCTION OR IMPROVEMENT PROJECT INVOLVING A BRIDGE ~~THAT~~ OR OTHER TRANSPORTATION FACILITY THAT IS ADJACENT TO OR CROSSES A WATERWAY, SHALL ~~INCORPORATE, TO THE EXTENT FEASIBLE,~~ CONSIDER ANY REASONABLE AND APPROPRIATE MEASURES TO PROVIDE OR IMPROVE IN THE VICINITY OF THE BRIDGE OR OTHER TRANSPORTATION FACILITY WATER ACCESS FOR FISHING, CANOEING, KAYAKING, OR ANY OTHER ~~APPROPRIATE~~ NONMOTORIZED WATER DEPENDENT RECREATIONAL ACTIVITY.

(B) A COUNTY OR MUNICIPALITY, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND INTERESTED STAKEHOLDERS, SHALL ESTABLISH ~~AN INVENTORY OF BRIDGES AND APPROACH HIGHWAYS TO BRIDGES UNDER THE JURISDICTION OF THE COUNTY OR MUNICIPALITY THAT CROSS NAVIGABLE WATERWAYS OR WATERWAYS AMENABLE TO FISHING ACTIVITY AT WHICH WATERWAY ACCESS MAY BE PROVIDED OR IMPROVED REASONABLY AND SAFELY~~:

(1) STANDARDS AND GUIDELINES FOR IDENTIFYING APPROPRIATE BRIDGES AND OTHER TRANSPORTATION FACILITIES TO BE CONSIDERED FOR THE PROVISION OR IMPROVEMENT OF WATER ACCESS UNDER THIS SECTION; AND

(2) BEST PRACTICES AND COST EFFECTIVE STRATEGIES FOR ACCOMMODATING WATER ACCESS UNDER THIS SECTION.

Article – Transportation

2–103.1.

(c) (1) The Consolidated Transportation Program shall:

(i) Be revised annually; and

(ii) Include:

1. A list of:

A. The current State transportation goals;

B. Program priorities; and

C. For projects in the construction phase, the criteria used to select major capital projects for inclusion in the capital program, as determined by the Department;

2. A statement of the Department's projected annual operating costs, set forth separately for the Office of the Secretary and for each modal administration;

3. Expanded descriptions of major capital projects;

4. A list of major capital projects for the current year, the budget request year, and the 4 successive planning years;

5. A list of anticipated minor capital projects, including a specific list of anticipated special projects for the current year and the budget request year and an estimate of the Program level for each of the 4 successive planning years;

6. A list of major bridge work projects;

7. A summary of the capital and operating programs, as defined by the Secretary, for the Maryland Transportation Authority;

8. For each listed major capital project, an indication whether the revenue source anticipated to support that project consists of federal, special, general, or other funds;

9. The Department's estimates of the levels and sources of revenues to be used to fund the projects in the Program;

10. A glossary of terms; and

11. A cross–reference table for the information contained in the various parts of the State Report on Transportation.

(7) (I) THE DEPARTMENT, IN DEVELOPING A CONSTRUCTION OR IMPROVEMENT PROJECT INVOLVING A BRIDGE ~~THAT~~ OR OTHER TRANSPORTATION FACILITY THAT IS ADJACENT TO OR CROSSES A WATERWAY FOR INCLUSION IN THE CONSOLIDATED TRANSPORTATION PROGRAM, SHALL ~~INCORPORATE, TO THE EXTENT FEASIBLE,~~ CONSIDER ANY REASONABLE AND APPROPRIATE MEASURES TO PROVIDE OR IMPROVE IN THE VICINITY OF THE BRIDGE OR OTHER TRANSPORTATION FACILITY WATER ACCESS FOR FISHING, CANOEING, KAYAKING, OR ANY OTHER ~~APPROPRIATE~~ NONMOTORIZED WATER DEPENDENT RECREATIONAL ACTIVITY.

(II) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND INTERESTED STAKEHOLDERS, SHALL ESTABLISH ~~AN INVENTORY OF BRIDGES AND APPROACH HIGHWAYS TO BRIDGES UNDER THE JURISDICTION OF THE DEPARTMENT THAT CROSS NAVIGABLE WATERWAYS OR WATERWAYS AMENABLE TO FISHING ACTIVITY AT WHICH WATERWAY ACCESS MAY BE PROVIDED OR IMPROVED REASONABLY AND SAFELY~~:

1. STANDARDS AND GUIDELINES FOR IDENTIFYING APPROPRIATE BRIDGES AND OTHER TRANSPORTATION FACILITIES TO BE CONSIDERED FOR THE PROVISION OR IMPROVEMENT OF WATER ACCESS UNDER THIS PARAGRAPH; AND

2. BEST PRACTICES AND COST EFFECTIVE STRATEGIES FOR ACCOMMODATING WATER ACCESS UNDER THIS PARAGRAPH.

SECTION 2. ~~AND BE IT FURTHER ENACTED, That the Maryland Department of Transportation and each county and municipality shall review all bridge construction and improvement projects that are in the planning or design phase on the effective date of this Act to determine which of these projects can safely and reasonably incorporate the provision of or improvements to waterway access for fishing, canoeing, kayaking, or any other appropriate water dependent recreational activity.~~

~~SECTION 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, April 9, 2013.

House Environmental Matters Committee

Voting Record - 2013 Session

Bill/Resolution Number: HB 1797

Vote Date: 3/22/2013

Final Action: FWA

Motion:

☑ Favorable ☐ Favorable with Amendments ☐ Unfavorable ☐ Withdrawn by Sponsor

☐ No Motion ☐ Referred to Interim – Summer Study ☐ Re-referred to _____

	Yea	Nay	Abstain	Excused	Absent
MCINTOSH, M., CHAIR	✓				
MALONE, J., VICE CHAIR	✓				
CANE, R.					✓
BOBO, E.	✓				
NIEMANN, D.	✓				
BEIDLE, P.	✓				
LAFFERTY, S.	✓				
GLENN, C.	✓				
HOGAN, P.	✓				
WILSON, C.T.				✓	
ROBINSON, S.	✓				
OTTO, C.	✓				
MCMILLAN, H.	✓				
VITALE, C.				✓	
JACOBS, J.	✓				
GILCHRIST, J.	✓				
WEIR, M.	✓				
NORMAN, W.	✓				
CARR, A.	✓				
STEIN, D.	✓				
O'DONNELL, A.				✓	
HOLMES, M.					✓
HEALEY, A.	✓				
FRUSH, B.	✓				
TOTALS	19			3	2

Amendment Numbers, Consent Bill lists, Other

Committee Reporter: [signature]

ENVIRONMENTAL MATTERS COMMITTEE

Date Tuesday, February 26, 2013

Bill No: HB0797

Entitled Transportation Projects - Bridges - Water Access

PLEASE PRINT

NAME	ADDRESS	PHONE	REPRESENTING	PRO	FWA	CON	WRITTEN ONLY
Charlie Stek			Chesapeake Conservancy	—			
Wade Blackwood			American Canoe Association	—			
Chris Trumbauer			Anne Arundel County Commission	—			
Tom Doulin			MD Rec & Parks	—			
Susan Simmons	169 Conduit St Annapolis MD 21401	(410) 269-0043	Caroline County Parks & Rec. Director	—			
Doug Simmons	Shaw House	410-859-6870	MDOT/SHA		✓		
Mike Lofton	108 Rolling Hill Rd Harwood, md	410-967-3623	AAPLNAC	✓	✓		

1893

PRO (for), **FWA** (favor with amendment), **CON** (against)

FEB 25 2013

NATIONAL PARKS CONSERVATION ASSOCIATION

Mid-Atlantic Regional Office

Jay Oakes
Senior Director
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Chris Marker
Senior Program Coordinator
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Nick Lund
Civil War Associate
202.454.3319 (Desk)
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Ed Stierli
Steve & Roberta Denning Landscape Conservation Fellow
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Washington, DC 20001

Pennsylvania Field Office

Cinda Waldbuesser
Senior Program Manager
215.327.2529 (Cell)

256 Eagleview Blvd
Suite 137
Exton, PA 19341

February 22, 2013

The Honorable Maggie McIntosh
Maryland General Assembly
251 House Office Building
6 Bladen Street
Annapolis, Maryland 21401

Re: House Bill 797: Improving Recreational Access to Maryland's Waterways along Bridges and Roads

Sent via email and first class mail

Dear Chairwoman McIntosh,

I am writing on behalf of the nonpartisan National Parks Conservation Association (NPCA), which since 1919 has been dedicated to preservation and enhancement of America's national parks for present and future generations. NPCA has more than 750,000 supporters, of which nearly 20,000 are in Maryland. We are writing to express strong support for House Bill 797 that would improve recreational access to Maryland's waterways.

The Chesapeake Bay watershed is home to iconic historical and natural treasures, including 54 national parks sites. Yet, although the shoreline is vast, significant stretches have little or no access. With our National Parks in the Chesapeake and Freedom to Float campaigns, NPCA is dedicated to expanding access for recreation and community stewardship throughout the region, including along the waters of the Captain John Smith Chesapeake and Star-Spangled Banner National Historic Trails.

We express our support for HB 797, which would provide access to Maryland's waterways for fishing, canoeing, and kayaking at little or no cost. This bill would provide greater opportunities for families to experience America's great outdoors and improve safety for paddlers, anglers, and motorists alike. We support requiring the Department of Transportation and local governments to incorporate measures to provide or improve water access where feasible and environmentally appropriate.

Expanding access to recreation strengthens Maryland's economy and enhances our quality of life. Recreational fishing in the Chesapeake Bay watershed contributes $500 million in economic activity and supports over 11,000 jobs annually. Recreational boating contributes more than $1.3 billion in annual sales, many of which are in Maryland.

HB 797 expands access for recreation in a region where a growing number of people are engaging in fishing, canoeing, and kayaking. NPCA supports providing reasonable, safe and environmentally appropriate water access along bridges and roads to allow citizens to enjoy Maryland's beautiful water trails and national parks.

Sincerely,

Pamela E. Goddard

Pamela Goddard
Chesapeake & Virginia Program Manager

cc: The Honorable James E. Malone Jr.

Statement of Charles A. Stek, Chairman, Chesapeake Conservancy,
before the Environmental Matters Committee, Maryland General Assembly
Hearing on **HB 797**, Supporting Safe and Reasonable Water Access along Maryland's Bridges.
February 26, 2013

Thank you Madame Chair and Members of the Committee for this opportunity to testify on HB 797, promoting safe and reasonable water access for fishing, kayaking, canoeing and other appropriate recreational activities along Maryland's bridges. At the very outset, I want to commend the Chair and Delegates Frush and Robinson for sponsoring this important measure.

I have the privilege of serving as Chairman of the Board of the Chesapeake Conservancy, a non-profit organization whose mission is to strengthen the connection between people and the watershed through improved public recreational access, land conservation, education and heritage tourism. Two of our signature initiatives have been the creation of the Captain John Smith Chesapeake National Historic Trail and the advancement of the Chesapeake Gateways and Watertrails initiative to encourage the exploration and celebration of the Chesapeake as national treasure and support state and local efforts to boost recreational tourism in the Chesapeake region.

I am a paddler, an amateur fisherman, and have traveled extensively throughout Maryland in the nearly 40 years I have lived in this area exploring our waterways. I know from first-hand experience that recreational access to our State's waters is still very limited. As you will hear from the other witnesses present today or submitting statements for the record, there is strong demand for improving this access and strong support for this legislation.

Maryland has more than 10,000 miles of rivers and streams as well as some 4,000 miles of tidal shoreline within the State's portion of the Chesapeake watershed. Historically, these waterways were Maryland's earliest routes used for transportation. Native Americans canoed these waterways for travel, trade and fishing. Captain John Smith and the early European settlers used them to explore and gain access to the vast American wilderness. Our state's population centers and economy grew along the rivers and other waterways that empty into the Chesapeake Bay. Gradually, the development of other means of transportation – roads, railroads and later air transport -- largely supplanted waterways for personal travel, although they remain today key modes for shipment of goods and are increasingly in demand for recreation.

According to the Maryland Department of Natural Resources, every citizen in Maryland lives within at least 15 minutes of a stream or river that eventually flows into the Chesapeake Bay. Yet, accessing these waterways is often very difficult for the growing number of people – citizens and visitors alike – who wish to use them for fishing, canoeing, kayaking and other recreational activities.

One way to help meet this demand – which we believe can be achieved relatively quickly and at little or no cost – is to remove impediments to such access and improve safety along our State's bridge crossings when they are being constructed or reconstructed. Many of Maryland's bridges which cross over our waterways currently present *barriers* to recreational access to these

waters. They lack safe shoulders, pull-off areas or parking that could keep canoeists, kayakers and anglers safe from automobile and truck traffic. They sometimes have guardrails or other design components, which unreasonably or unnecessarily (from a highway safety perspective) obstruct access to the water. More often than not, they were planned, designed and constructed without any consideration of how safe access to the waterway from the bridge or roadway could be accommodated or improved for fishing, kayaking or other appropriate recreational uses.

In some cases, such as the MD 287 bridge replacement project crossing the Upper Choptank River in Caroline County now under construction, "put-ins" and areas traditionally used by canoeists and anglers are being or have been closed as old bridges were replaced by newer ones and no parking signs, fencing or other obstructions accompanied the bridge improvements. In other instances, such as along the Monocacy River in Frederick County or along Double Pipe Creek in Carroll County, parking and other safety improvements for water access have been effectively provided at bridges crossing the rivers and serve as a model for communities throughout Maryland.

HB 797, in our judgment, offers a very reasonable, systematic and cost-effective approach to improving recreational access to waterways along Maryland's bridges. It has three basic provisions:

First, it calls for the development of an inventory of all the bridges crossing navigable and fishable rivers and streams to identify those bridges and approach roadways where waterway access for fishing, canoeing and kayaking could be provided reasonably and safely. Such an inventory should not be costly, burdensome or difficult for State and local transportation departments because they already maintain inventories of bridges in their jurisdictions in order to receive federal or state assistance and they conduct regular inspections of these facilities. It would help to identify bridges where access: a) is *not* reasonable or feasible, such as along interstate highways or high crossings b) is already provided, such as along portions of the Monocacy River, and c) could be improved when such facilities are scheduled for repair, reconstruction or new construction.

Second, it calls for waterway access for anglers, canoeists and kayakers to be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and the State. Effective transportation planning is essential to address issues such as roadway safety, maintenance and improvement of our transportation infrastructure, quality of life and the needs and values of local communities. States and local governments currently give due consideration to pedestrian and bicycle safety and many other issues in developing their comprehensive transportation plan and engage citizens and other stakeholders in developing those plans. This provision simply requests that water recreational access be given the same considerations.

Third, it calls for State and local transportation agencies to review all bridge construction and reconstruction projects currently in the planning and design process and, where ***feasible,*** to incorporate measures to provide or improve water access for fishing, canoeing, kayaking or other appropriate water dependent recreation activity in the vicinity of the bridge.

In our judgment, provision of waterway access is feasible at many bridges and can be accomplished with little, if any, cost because:

- access features would be incorporated into project planning and design at an early stage in process;
- no land acquisition would be required, because these potential access areas are already located in a public right-of-way;
- under the proposal, State and local transportation departments would not be required to go back and retrofit existing bridges for access; improvements for access would only occur during the normal schedule for bridge repair, reconstruction or construction and economies may be achieved in the process. For example, staging areas are created for most bridge and highway construction or reconstruction projects. In many instances these staging areas – expanded shoulders, parking, etc. – are removed after the project is completed, at a cost to the project. Rather than remove them, state and local transportation departments could leave them in place to provide parking for boaters and anglers.
- requested access improvements are only for bridge and road-side safety features and removal or mitigation of barriers to access – not constructed paths to the water. Those further improvements, if desired by State and local governments or community partners, could be financed with other sources such as Federal Chesapeake Gateway and Watertrail grants or Transportation Alternatives funds.

In communities in Maryland and other states where canoeing, kayaking and fishing access improvements have been made at bridges, multiple public benefits have been achieved including:

- **Safety** – providing adequate facilities along travel corridors improves safety for recreational users and motorists alike.

- **Health** – these outdoor recreational activities improve fitness, mental health and well-being.

- **Environmental stewardship** – reconnecting people to their rivers, streams and other water-bodies helps to increase stewardship of those waters.

- **Quality of life** – communities that provide access to waterways are, in general, more desirable, attracting new business and visitors.

- **Economic stimulus and jobs** – through ecotourism and recreation.

Integrating safe and reasonable waterway access elements, as appropriate, into State and local transportation plans and programs makes sense for all the reasons listed above.

In recent years, Federal, State and local transportation agencies have recognized the many benefits and need to improve the safety of bicyclists and pedestrians using our roads and bridges. During the 2000 legislative session, the Maryland General Assembly enacted the Bicycle and Pedestrian Access Act to systematically address the needs and safety of pedestrians and bicycle

riders using Maryland's transportation facilities. This initiative is modeled on those accommodations as well as similar waterway access efforts in California, Tennessee and North Carolina. It is consistent with the public access goals of the Chesapeake Bay Agreements, as well as with the goals of the Maryland Department of Transportation and the State Highway Administration to improve highway safety, protect and enhance the natural environment, and create a positive experience for residents, businesses and visitors in every community.

Support for HB797 is strong. In addition to the Chesapeake Conservancy, this measure has been endorsed by the Maryland Recreation and Parks Association, American Sportfishing Association, American Canoe Association, American Whitewater, Mid-Atlantic Center National Wildlife Federation, Anacostia Watershed Society, Lower Susquehanna Heritage Greenway, Sultana Projects, Inc., Eastern Shore Land Conservancy, MD BASS, Maryland Legislative Sportsmen's Foundation, the National Parks Conservation Association, Patuxent Riverkeeper and the Maryland Coalition of Heritage Areas.

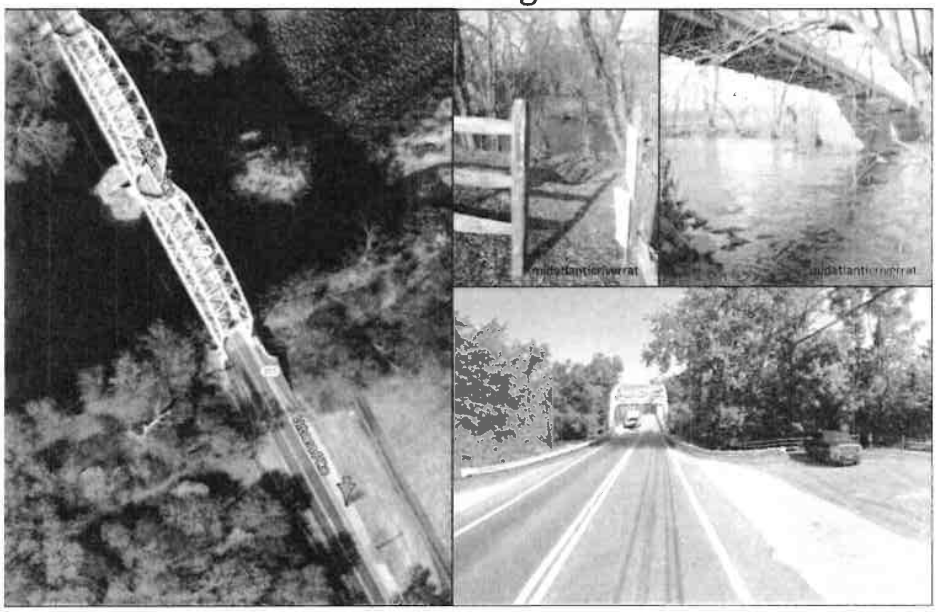
Our only suggested amendment is that road ends and roadways adjacent to our state's waterways, as appropriate, be incorporated into the legislation. We urge a favorable vote on HB-797 and thank you again for this opportunity to testify.

HB 797: *Improving Access to Maryland's Waterways Along Bridges*

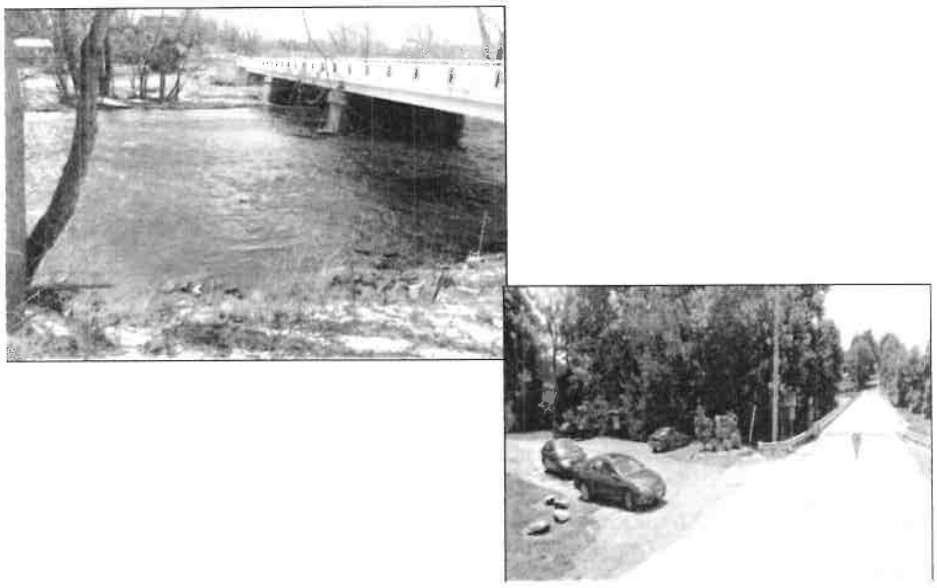
Elliott's Island Road, Dorchester County

Charlie Stek, Chairman, Chesapeake Conservancy

Good Access: Monocacy River – MD 355 Bridge Access



Good Access: Double Pipe Creek Access, Carroll County



No Safe Access: Patuxent River – Mink Hollow Road Bridge

No Safe Access: Patuxent River – Route 108 Bridge

Access being eliminated: MD 287 Bridge over Upper Choptank, Caroline County

Access can be provided for little or no cost: Mink Hollow Rd. Staging Area

Support for improving bridge access is strong

Captain Chris D. Dollar
P.O. Box 367
Queenstown, MD 21658
410/991-8468
cdollar@cdollaroutdoors.com

To: MD House of Delegates' Environmental Matters Committee, in support of HB 797

Madame Chair, committee members,

Thank you for the opportunity to speak to you all today. My name is Chris Dollar, and I own and operate CD Outdoors, a kayak outfitting business on the Eastern Shore. When I cross a small bridge that spans one of our state's innumerable waterways, the first thing I think about is how I can get my kayak down to the water, and what fish are swimming around.

By some estimates, kayak fishing is one of the fastest growing segments of fishing in the country. And fortunately, the Chesapeake's tidal and freshwater rivers and creeks offer anglers innumerable fishing opportunities. But getting on the water isn't as easy as it could be.

As a professional fishing guide and outdoor writer, one of the most frequent questions I get is, *"where can I launch my kayak?"* And far too often, especially on the western shore, my answer doesn't satisfy the questioner, or me.

Through your support of HB797, my reply could change significantly. If I understand the measure's intention, this bill will quickly improve public access to Maryland's waterways for fishing, canoeing and kayaking without costing the sport fishing community--via additional fees or licenses--more money. Moreover, the bill would cost the state transportation department very little, if anything, to implement these strategies. And best of all it would dove tail with much needed infrastructure work.

Anglers and paddlers already access waters adjacent to bridges, but these are areas worn from use not planning. Many of theses de facto access points are outright dangerous to public safety. HB797 would give transportation authorities the green light to incorporate into the rebuilding of critical infrastructure safe shoulders, pull-off areas and/or parking to ensure the safety of canoeists, kayakers and anglers safe from automobile and truck traffic.

As you are aware, there have been successful, commonsense efforts, similar to what HB797 proposes, undertaken in other states that enhance waterway access without increasing costs to the taxpayer.

In my two decades experience as an outdoor professional, there is no greater way to inspire people to care about the health and future of the Chesapeake watershed than to paddle its rivers, fish its creeks and enjoy its remaining splendor.

You and your fellow legislators face significant challenges--supporting HB797 isn't one of them. I respectfully ask that you vigorously endorse HB797 to create safe and inviting pathways to Maryland's waters. Thank you.

MRPA
MARYLAND RECREATION AND PARKS ASSOCIATION

HB797 February 26, 2013

The Maryland Recreation and Parks Association (MRPA) – a statewide non-profit membership organization serving more than 900 professional and citizen advocates involved in parks and recreation – strongly supports HB 797 for the following reasons:

Maryland is home to more than 10,000 miles of rivers and streams as well as some 4,000 miles of tidal shoreline within the State's portion of the Chesapeake watershed. Yet accessing these waterways is often very difficult for the growing number of people who wish to use them for fishing, canoeing, kayaking, and other recreational activities.

State Parks, County and municipal park systems work to provide access in response to a high demand for water oriented recreation. Locating and acquiring waterfront land in order to provide this access proves expensive and therefore problematic.

One way to improve access is along our State's bridge crossings, road ends, or roadways adjacent to waterways when they are being constructed or reconstructed. Many of these bridges and roads were planned and designed without any consideration of how access to the waterway for recreational use could be safely and reasonably accommodated or improved. They lack safe shoulders, pull-off areas or parking that could keep canoeists, kayakers, and anglers safe from automobile and truck traffic.

Modeled on similar efforts in a variety of other states, HB 797 would enhance waterway access by: 1) creating an inventory of all the bridges crossing navigable and fishable rivers and streams to identify bridges and approach roadways where waterway access for fishing, canoeing and kayaking can be provided reasonably and safely; 2) requiring State and local transportation departments to review all bridge construction and reconstruction projects currently in the planning and design process to ensure that waterway access is incorporated into the anticipated scope of work; and 3) ensuring that waterway access for anglers, canoeists and kayakers is given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization.

By observing these measures, there is very real potential to leverage the work of both the State's transportation agencies and Recreation and Parks agencies to serve citizen's needs for transportation and recreational services in a cooperative, cost effective manner.

This legislation would help promote outdoor recreational opportunities for families, and greatly improve safety for recreational users and motorists alike, while also helping to stimulate the economies and livability of local communities, and enhance the health and quality of life of our citizens. Thus, MRPA strongly supports HB 797 and urges a favorable committee report.

Respectfully Submitted,

Thomas L. Donlin, CPRE
Executive Director

ANNE ARUNDEL COUNTY
MARYLAND

CHRIS TRUMBAUER
Councilman
Sixth District

February 26, 2013

Environmental Matters Committee

House Bill 797

Transportation Projects - Bridges - Water Access

Position: FAVORABLE

Maryland has invested a tremendous amount of resources into improving the health of the Chesapeake Bay and its tributaries by reducing pollution, preserving land, and increasing awareness. The waterways of the state are a resource for all Marylanders, and are held in public trust for them. In order to ensure that all Marylanders are afforded the opportunity to experience and enjoy this resource, we must increase public water access.

I sit on a committee in Anne Arundel County which was formed to explore ways to increase public access to the county's rivers, creeks, and streams. The Committee is made up of over a dozen county residents who volunteer their time for this important issue. It is staffed by our Department of Recreation and Parks, which shares our goal of broadening public access, but yet largely lacks the financial resources to build infrastructure to accomplish this.

Our water access committee supports HB797 and thanks the sponsor for introducing it. It appropriately encourages the inclusion of water access to the extent feasible, rather than requiring a mandate. This legislation will ensure that water access is taken into account with the construction or improvement of bridges, and will thus prevent "easy" opportunities from being missed.

Please reward Maryland taxpayers by allowing them improved public access to the waterways that they help protect. Please give HB797 a favorable report.

Chris Trumbauer
Councilman, District 6
Anne Arundel County

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February 26, 2013

The Honorable Maggie Mcintosh, Chair
The House Environmental Matters Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Dear Ms. Mcintosh

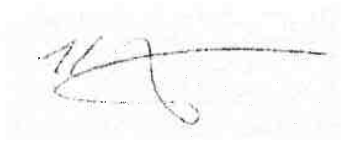
Our organization supports passage of HB-717. As Patuxent Riverkeeper, I work to protect the longest and deepest intra-state waterway in Maryland. For this reason, I'm constantly on the water whether it be kayaking, canoeing or motor boating. Many of our supporters, members and boosters enjoy recreational boating and I know firsthand the necessity for safe water access and the difficulties we face in this regard. During the warmer months, I lead trips with boy scouts, middle schoolers, and adults with a focus on environmental stewardship. On these trips, it always surprises me how many Marylanders take our waterways for granted until they are able to experience them firsthand. The importance of connecting people with their waterways cannot be understated in building environmental stewardship. In fact, I would venture to say that most Riverkeeper volunteers and members got their start from a canoe, kayak, or fishing trip. In expanding waterway access to Marylanders, HR-717 would undoubtedly raise environmental stewardship across the state, making it easier for Marylanders to enjoy and protect our waterways.

Furthermore, our organization has worked closely with the State's Patuxent River Commission for nearly ten years to help organize one of the most comprehensive single tributary water trails in the State of MD. Our visitor's center in Nottingham (Southern prince George's County) is an access gateway to the Patuxent for those trying to get from here to there on their public waterways. But while there are lots of places where people can get on the water on the Patuxent, there still not enough of these places to meet the demand. At any rate, all access points are not created equal. In the community where I live, near Upper Marlboro Maryland anglers and kayakers put themselves at risk on a daily basis to make use of the Patuxent River Bridge on route 214 at the border of Anne Arundel and Prince George's. This particular bridge was built in the 1930's to accommodate horse drawn buggies and the occasional automobile. But in those days recreational boating access was not a consideration, but needs and times have changed.

Today, without safe water access, people can get hurt and the shortage of public ramps have made it harder than ever to get on the water. A decent sized shoulder or small parking area would do in most cases. Anglers and kayakers near me are forced to park dangerously close to traffic or illegally at the local liquor store and then walk along the highway for a quarter mile. As is seen at the Hills Bridge on Route 4, (a kayaker friendly popular public access point at a state bridge crossing) waterways can be made much more accessible and safe for Marylanders.

As Patuxent Riverkeeper, and as an avid kayaker myself, I support HR717 as a measure to increase environmental stewardship and protect Marylander's safety.

Respectfully yours,



Frederick L. Tutman
Riverkeeper
Patuxent Riverkeeper

Maryland Coalition of Heritage Areas

PO Box 745, Hughesville, MD 20637 ph. 301-274-4083 fax. 301-274-1924
Email: SoMdHeritage@tccsmd.org

Written Testimony in Support of HB 797
Submitted to the House Environmental Matters Committee

Delegate Maggie MacIntosh, Chair, James E. Malone, Vice Chair, and Delegates Pamela G Beidle, Elizabeth Bobo, Rudolph C. Cane, Alfred C. Carr, Jr., Barbara A. Frush, James W. Gilchrist, Cheryl D. Glenn, Anne Healey, Patrick N. Hogan, Marvin E. Holmes, Jr., Jay A. Jacobs, Stephen W. Lafferty, Herbert H. McMillan, Doyle L. Niemann, H. Wayne Norman, Jr., Anthony J. O'Donnell, Charles J. Otto, A. Shane Robinson, Dana M. Stein, Cathleen M. Vitale, Michael H. Weir, Jr., C.T. Wilson

Tuesday, February 26, 2013

We wish to express our support of House Bill 0797, entitled: Transportation Projects – Bridges – Water Access. The Maryland State Certified Heritage Areas – twelve of them across the state from the mountains to ocean -- work to preserve and promote our most precious commodity, Maryland's history, heritage and cultural landscapes, in order to attract the most desirable tourists – who spend $112 per day, per visit.

The Maryland Heritage Areas Program was created by the legislature as an economic development tool in order to build new heritage tourism resources across the state. This program has been extraordinarily successful in fulfilling its mission, even recently, in spite of these difficult economic times. Some of the most vital resources we protect and promote are natural ones, including waterways and access to our rivers, creeks and water frontage. One reason we have been able to preserve and promote our cultural landscape is the potential return on investment.

- Every dollar invested in heritage tourism returns $4.61 in tax revenues to state and local governments.

The grant funded projects the heritage areas sponsor create, protect, restore and expand heritage tourism sites within the 12 Certified Heritage Areas across our state. When tourists come to these sites they have experiences that are uniquely related to the places

they are visiting, the very places the rest of us call home. This program helps to build jobs in the small businesses that support those visitors when they come here to enjoy Maryland's heritage.

Heritage tourism is the best of both worlds for Maryland; it is a business which cherishes the very things that make our state a great place to live and work, while bringing in to the state the dollars of people who come from elsewhere to share those experiences. The jobs created in heritage tourism can never be outsourced to any other region; they are a return on investment that will always be uniquely local and our own.

We know that these tourists travel across Maryland and come to your state in order to enjoy our natural resources. A research study a few years ago showed that heritage tourists reported that 89% of them came here to enjoy the natural scenery and 87% came for outdoor recreation.

Thank you for your support of our efforts to improve the economy of Maryland and simultaneously contributing to the quality of life for all our residents and taxpayers, as well as visitors from other states. We hope to learn that you have supported HB 797 and its promise of providing access to our magnificent waterways well into the future.

Respectfully submitted,

Roz Racanello, Chair, Maryland Coalition of Heritage Areas

Maryland's State Certified Heritage Areas:
Anacostia Trails Heritage Area in Prince Georges County,
Baltimore National Heritage Area, in Baltimore City
Canal Place Heritage Area in Allegany County,
Four Rivers Heritage Area in Annapolis, London Town and South Anne Arundel County,
Heart of Chesapeake Country Heritage Area in Dorchester County,
Heart of the Civil War Heritage Area in Carroll, Frederick and Washington Counties,
Lower Eastern Shore Heritage Area in Somerset, Wicomico and Worcester Counties,
Lower Susquehanna Heritage Greenway Heritage Area in Harford and Cecil Counties,
Montgomery County Heritage Area, in Montgomery County
Mountain Maryland, Garrett County
Southern Maryland Heritage Area in Calvert, Charles and St. Mary's Counties,
Stories of the Chesapeake Heritage Area in Caroline, Kent, Queen Anne and Talbot Counties.

1910

February 22, 2013

The Honorable Maggie McIntosh, Chair
House Environmental Matters Committee
251 Taylor House Office Building
Annapolis, MD 21401

Dear Delegate McIntosh:

On behalf of the nation's sportfishing industry, I am pleased to offer the American Sportfishing Association's (ASA) support for HB 797, which will promote safe and reasonable canoe, kayak and fishing access along Maryland's bridges and roadways. Lack of access to fishable waters is commonly cited as one of the top concerns among anglers, and HB 797 provides an important opportunity to expand the public's access to Maryland's waterways, at little or no cost.

ASA is the sportfishing industry's trade association committed to representing the interests of the entire sportfishing community. We give the industry a unified voice, speaking out on behalf of sportfishing and boating industries, state and federal natural resource agencies, conservation organizations, angler advocacy groups and outdoor journalists when emerging laws and policies could significantly affect sportfishing business or sportfishing itself. In Maryland, recreational fishing has an economic impact of $844 million, supporting over 6,000 jobs.

Maryland's 10,000 miles of rivers and streams, as well as its 4,000 miles of tidal shoreline, can be difficult to access because adjacent roads and bridges can lack safe shoulders, pull-off areas or parking. These areas often were constructed without regards to access and angler safety. By requiring that transportation projects consider the feasibility of waterway access – which can be achieved at minimal or no additional cost – HB 797 will support increased fishing opportunities while improving the safety of recreationalists and motorists through thoughtful planning.

Thank you for your leadership on this important, common-sense legislation. ASA looks forward to working to ensure its passage.

Sincerely,

Gordon C. Robertson

Gordon Robertson
Vice President

AMERICAN SPORTFISHING ASSOCIATION
1001 N. Fairfax Street, Suite 501, Alexandria, VA 22314 • 703-519-9691 • Fax: 703-519-1872
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1911

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February 22, 2013

The Honorable Maggie McIntosh
Maryland General Assembly
251 House Office Building
6 Bladen Street
Annapolis, Maryland 21401

Re: House Bill 797: Improving Recreational Access to Maryland's Waterways along Bridges and Roads

Sent via email and first class mail

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The Chesapeake Bay watershed is home to iconic historical and natural treasures, including 54 national parks sites. Yet, although the shoreline is vast, significant stretches have little or no access. With our National Parks in the Chesapeake and Freedom to Float campaigns, NPCA is dedicated to expanding access for recreation and community stewardship throughout the region, including along the waters of the Captain John Smith Chesapeake and Star-Spangled Banner National Historic Trails.

We express our support for HB 797, which would provide access to Maryland's waterways for fishing, canoeing, and kayaking at little or no cost. This bill would provide greater opportunities for families to experience America's great outdoors and improve safety for paddlers, anglers, and motorists alike. We support requiring the Department of Transportation and local governments to incorporate measures to provide or improve water access where feasible and environmentally appropriate.

Expanding access to recreation strengthens Maryland's economy and enhances our quality of life. Recreational fishing in the Chesapeake Bay watershed contributes $500 million in economic activity and supports over 11,000 jobs annually. Recreational boating contributes more than $1.3 billion in annual sales, many of which are in Maryland.

HB 797 expands access for recreation in a region where a growing number of people are engaging in fishing, canoeing, and kayaking. NPCA supports providing reasonable, safe and environmentally appropriate water access along bridges and roads to allow citizens to enjoy Maryland's beautiful water trails and national parks.

Sincerely,

Pamela E. Goddard

Pamela Goddard
Chesapeake & Virginia Program Manager

cc: The Honorable James E. Malone Jr.

[redacted]

Maryland BASS Federation

February 26, 2013

To whom it may concern,

Please be advised that the Maryland Bass Nation enthusiastically supports HB 797. There are many areas that people who cannot afford a boat, or pay for a guide, could fish if the access called for in this bill was available.

This would also help with increased fishing license sales, which will provide additional funding for our Department of Natural Resources, and increased tackle sales, which will benefit tackle retailers, who will collect additional sales taxes.

Therefore, this bill looks like a win/win for the citizens of Maryland.

Sincerely,

Scott Sewell
Conservation Director
Nitro1707@verizon.net
410-977-1669

The Maryland Legislative Sportsmen's Foundation

The Sportsmen's Best Friend in Annapolis

Date: February 26, 2013

To: THE HONORABLE MAGGIE MCINTOSH, CHAIR
HONORABLE MEMBERS, HOUSE ENVIRONMENTAL MATTERS COMMITTEE

From: David Sutherland, Chair
William R. Miles, Vice-Chair

RE: SUPPORT – House Bill 797 (Transportation Projects – Bridges – Waterway Access)

The non-partisan Maryland Legislative Sportsmen's Foundation (MLSF) works on behalf of current and future generations of Maryland Sportsmen not only by helping to conserve, promote and protect Maryland's coveted open space lands, wildlife and habitat, but also by safeguarding their traditional rights to hunt, fish, trap and enjoy the lawful use of their firearms.

MLSF respectfully requests favorable consideration of House Bill 797 for reasons stated herein.

Today, the House Environmental Matters Committee will hear from several stakeholder groups rightfully advocating for greater public access to Maryland's vast waterways. Few states can boast of 10,000 miles of rivers and streams as well as 4,000 plus miles of tidal shoreline. However, recreational access is often restricted largely because of private ownership and attendant riparian rights. Thus, a policy promoting public access in proximity to publicly-financed Maryland's bridge crossing, road ends and other roadways adjacent makes sense and, arguably, is really a last resort for many.

Envisioned concern to the General Assembly may be the fiscal implications of this proposed Act as duly noted in the accompanying DLS fiscal and policy note. However, the Committee should be mindful there are about 450,000 anglers and hunters who spent $815 million last year in Maryland. Approval of House Bill 797 would be interpreted by the sportsmen of Maryland as an appreciative return on their investment.

Attached for the Committee's information is the most recent economic assessment as provided by the Congressional Sportsmen's Foundation.

MLSF urges a favorable vote on House Bill 797.

Maryland sportsmen & women

445,000 hunters & anglers spent $815 million in 2011

SPORTSMEN BENEFIT THE STATE ECONOMY

The 426,000 residents who hunt and fish in Maryland is more than two times the combined populations of the cities of Columbia and Germantown (426,000 vs 186,000).

The number of people who hunted or fished in Maryland in 2011 could fill the Baltimore Ravens' stadium more than six times (445,000 vs. 71,000).

Sportsmen and women spent $815 million on hunting and fishing in Maryland in 2011 - that is more than receipts for broilers, the state's top agricultural commodity that year ($815 million vs. $725 million).

Hunters and anglers support 10,707 jobs in Maryland, more than Lockheed Martin, one of the state's largest employers (10,707 vs. 8,000).

Spending by sportsmen and women in Maryland generated $84 million in state and local taxes in 2011 - that's enough to support the average salaries of 1,486 police and sheriff's patrol officers.

Every single state makes a contribution.
Here are the facts on Maryland's anglers and hunters.

SEGMENT	PARTICIPANTS	DAYS	SPENDING	JOBS
Total Sportsmen *	445,000	5.7 million	$815 million	10,707
Total Anglers *	426,100	4.7 million	$549 million	6,209
Total Hunters *	88,300	1 million	$266 million	4,498

*Data includes both residents and non-residents age 16 and up, and is a snapshot of participation and spending for 2011. Total Sportsmen does not equal the sum of Anglers and Hunters as some individuals both hunt and fish.

Maryland Sportsmen & Women Support

Spending per Day
$2.2 million

Salaries and Wages
$387 million

Federal Taxes
$96 million

State and Local Taxes
$84 million

Ripple Effect
$1.25 billion

AN OUTDOOR NATION

Sportsmen and women spent $90 billion in 2011, that's more than the combined global sales of Apple's iPhone® and iPad® the same year.

NATIONAL STATISTICS

PARTICIPANTS	SPENDING	JOBS	SALARIES / WAGES	TOTAL TAXES
Sportsmen: 37.4 million *	$90.0 billion **	1.5 million	$61.7 billion	$26.7 billion
Anglers: 33.1 million	$47.7 billion	828,000	$35.3 billion	$14.9 billion
Hunters: 13.7 million	$38.3 billion	681,000	$26.4 billion	$11.8 billion

MARYLAND STATISTICS & NATIONAL RANK

445,000 **#36**	$815 million **#35**	10,707 **#39**	$387 million **#36**	$180 million **#35**

* Total Sportsmen are participants age 16 and up, does not equal the sum of Anglers and Hunters as some individuals both hunt and fish.
** Total angling and hunting expenditures do not add to Total Sportsmen spending due to expenditures not categorized specifically for either pursuit.

Since 1989 the Congressional Sportsmen's Foundation (CSF) has maintained a singleness of purpose that has guided the organization to become the most respected and trusted sportsmen's organization in the political arena. CSF's mission is to work with Congress, governors, and state legislatures to protect and advance hunting, recreational fishing and shooting and trapping. The unique and collective force of the Congressional Sportsmen's Caucus (CSC), the Governors Sportsmen's Caucus (GSC) and the National Assembly of Sportsmen's Caucuses (NASC), working closely with CSF, and with the support of major hunting, recreational fishing and shooting, and trapping organizations, serves as an unprecedented network of pro-sportsmen legislators that advance the agenda of America's hunters and anglers.

This report is made possible with help from our sponsors.

Title Sponsors: Cabela's, SCI First for Hunters

Sponsors: Shooting Sports, Outdoors, Bass Pro Shops, NMMA, Shimano, ExxonMobil, Southern Company

For more information visit www.sportsmenslink.org or call Cole Henry at 202-543-6850 x19.
Congressional Sportsmen's Foundation 110 North Carolina Avenue, SE Washington, DC 20003

Sources: Hunting in America: An Economic Force for Conservation, National Shooting Sports Foundation; Fishing in America: An Economic Force for Conservation, American Sportfishing Association; 2011 National Survey of Fishing, Hunting and Wildlife Associated Recreation, US Fish & Wildlife Service.
Specific sources for state comparisons available on request, 202-543-6850.

Community Commons

154 West Patrick Street
Frederick, MD 21701

25 February 2013

The Honorable Maggie McIntosh
Chair, Environmental Matters Committee
House of Delegates
6 Bladen Street
Annapolis, MD 21401

RE: Support for Maryland House Bill 797

Dear Delegate McIntosh:

Frederick Community Commons supports Maryland House Bill 797, to expand fishing and kayak and canoe access to Maryland's rivers, streams and waterways.

Community Commons was part of the effort to establish the Monocacy Scenic River Water Trail, in coordination with the National Park Service and the Chesapeake Bay Gateways Network. In the years since its inception, the River Trail has been very successful in Frederick County to promote responsible boating on the Monocacy River and encourage the enjoyment of our natural areas. This project could serve as a model for improved access in other parts of Maryland and around the Chesapeake Bay region.

Since the early 1970s, Community Commons has supported community-based conservation projects in the Monocacy River region. Established as a nonprofit organization in late 1977, we are dedicated to building a sustainable future for the region's social and natural resources through education, outreach and partnership building.

Best Regards,

Margaret M. Kline
President, Community Commons

Statement of Charles A. Stek, Chairman, Chesapeake Conservancy,
before the Environmental Matters Committee, Maryland General Assembly
Hearing on **HB 797**, Supporting Safe and Reasonable Water Access along Maryland's Bridges
February 26, 2013

Thank you Madame Chair and Members of the Committee for this opportunity to testify on HB 797, promoting safe and reasonable water access for fishing, kayaking, canoeing and other appropriate recreational activities along Maryland's bridges. At the very outset, I want to commend the Chair and Delegates Frush and Robinson for sponsoring this important measure.

I have the privilege of serving as Chairman of the Board of the Chesapeake Conservancy, a non-profit organization whose mission is to strengthen the connection between people and the watershed through improved public recreational access, land conservation, education and heritage tourism. Two of our signature initiatives have been the creation of the Captain John Smith Chesapeake National Historic Trail and the advancement of the Chesapeake Gateways and Watertrails initiative to encourage the exploration and celebration of the Chesapeake as national treasure and support state and local efforts to boost recreational tourism in the Chesapeake region.

I am a paddler, an amateur fisherman, and have traveled extensively throughout Maryland in the nearly 40 years I have lived in this area exploring our waterways. I know from first-hand experience that recreational access to our State's waters is still very limited. As you will hear from the other witnesses present today or submitting statements for the record, there is strong demand for improving this access and strong support for this legislation.

Maryland has more than 10,000 miles of rivers and streams as well as some 4,000 miles of tidal shoreline within the State's portion of the Chesapeake watershed. Historically, these waterways were Maryland's earliest routes used for transportation. Native Americans canoed these waterways for travel, trade and fishing. Captain John Smith and the early European settlers used them to explore and gain access to the vast American wilderness. Our state's population centers and economy grew along the rivers and other waterways that empty into the Chesapeake Bay. Gradually, the development of other means of transportation – roads, railroads and later air transport -- largely supplanted waterways for personal travel, although they remain today key modes for shipment of goods and are increasingly in demand for recreation.

According to the Maryland Department of Natural Resources, every citizen in Maryland lives within at least 15 minutes of a stream or river that eventually flows into the Chesapeake Bay. Yet, accessing these waterways is often very difficult for the growing number of people – citizens and visitors alike – who wish to use them for fishing, canoeing, kayaking and other recreational activities.

One way to help meet this demand – which we believe can be achieved relatively quickly and at little or no cost – is to remove impediments to such access and improve safety along our State's bridge crossings when they are being constructed or reconstructed. Many of Maryland's bridges which cross over our waterways currently present *barriers* to recreational access to these

waters. They lack safe shoulders, pull-off areas or parking that could keep canoeists, kayakers and anglers safe from automobile and truck traffic. They sometimes have guardrails or other design components, which unreasonably or unnecessarily (from a highway safety perspective) obstruct access to the water. More often than not, they were planned, designed and constructed without any consideration of how safe access to the waterway from the bridge or roadway could be accommodated or improved for fishing, kayaking or other appropriate recreational uses.

In some cases, such as the MD 287 bridge replacement project crossing the Upper Choptank River in Caroline County now under construction, "put-ins" and areas traditionally used by canoeists and anglers are being or have been closed as old bridges were replaced by newer ones and no parking signs, fencing or other obstructions accompanied the bridge improvements. In other instances, such as along the Monocacy River in Frederick County or along Double Pipe Creek in Carroll County, parking and other safety improvements for water access have been effectively provided at bridges crossing the rivers and serve as a model for communities throughout Maryland.

HB 797, in our judgment, offers a very reasonable, systematic and cost-effective approach to improving recreational access to waterways along Maryland's bridges. It has three basic provisions:

First, it calls for the development of an inventory of all the bridges crossing navigable and fishable rivers and streams to identify those bridges and approach roadways where waterway access for fishing, canoeing and kayaking could be provided reasonably and safely. Such an inventory should not be costly, burdensome or difficult for State and local transportation departments because they already maintain inventories of bridges in their jurisdictions in order to receive federal or state assistance and they conduct regular inspections of these facilities. It would help to identify bridges where access: a) is *not* reasonable or feasible, such as along interstate highways or high crossings b) is already provided, such as along portions of the Monocacy River, and c) could be improved when such facilities are scheduled for repair, reconstruction or new construction.

Second, it calls for waterway access for anglers, canoeists and kayakers to be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and the State. Effective transportation planning is essential to address issues such as roadway safety, maintenance and improvement of our transportation infrastructure, quality of life and the needs and values of local communities. States and local governments currently give due consideration to pedestrian and bicycle safety and many other issues in developing their comprehensive transportation plan and engage citizens and other stakeholders in developing those plans. This provision simply requests that water recreational access be given the same considerations.

Third, it calls for State and local transportation agencies to review all bridge construction and reconstruction projects currently in the planning and design process and, where ***feasible,*** to incorporate measures to provide or improve water access for fishing, canoeing, kayaking or other appropriate water dependent recreation activity in the vicinity of the bridge.

In our judgment, provision of waterway access is feasible at many bridges and can be accomplished with little, if any, cost because:

- access features would be incorporated into project planning and design at an early stage in process;
- no land acquisition would be required, because these potential access areas are already located in a public right-of-way;
- under the proposal, State and local transportation departments would not be required to go back and retrofit existing bridges for access; improvements for access would only occur during the normal schedule for bridge repair, reconstruction or construction and economies may be achieved in the process. For example, staging areas are created for most bridge and highway construction or reconstruction projects. In many instances these staging areas – expanded shoulders, parking, etc. – are removed after the project is completed, at a cost to the project. Rather than remove them, state and local transportation departments could leave them in place to provide parking for boaters and anglers.
- requested access improvements are only for bridge and road-side safety features and removal or mitigation of barriers to access – not constructed paths to the water. Those further improvements, if desired by State and local governments or community partners, could be financed with other sources such as Federal Chesapeake Gateway and Watertrail grants or Transportation Alternatives funds.

In communities in Maryland and other states where canoeing, kayaking and fishing access improvements have been made at bridges, multiple public benefits have been achieved including:

- **Safety** – providing adequate facilities along travel corridors improves safety for recreational users and motorists alike.

- **Health** – these outdoor recreational activities improve fitness, mental health and well-being.

- **Environmental stewardship** – reconnecting people to their rivers, streams and other water-bodies helps to increase stewardship of those waters.

- **Quality of life** – communities that provide access to waterways are, in general, more desirable, attracting new business and visitors.

- **Economic stimulus and jobs** – through ecotourism and recreation.

Integrating safe and reasonable waterway access elements, as appropriate, into State and local transportation plans and programs makes sense for all the reasons listed above.

In recent years, Federal, State and local transportation agencies have recognized the many benefits and need to improve the safety of bicyclists and pedestrians using our roads and bridges. During the 2000 legislative session, the Maryland General Assembly enacted the Bicycle and Pedestrian Access Act to systematically address the needs and safety of pedestrians and bicycle

riders using Maryland's transportation facilities. This initiative is modeled on those accommodations as well as similar waterway access efforts in California, Tennessee and North Carolina. It is consistent with the public access goals of the Chesapeake Bay Agreements, as well as with the goals of the Maryland Department of Transportation and the State Highway Administration to improve highway safety, protect and enhance the natural environment, and create a positive experience for residents, businesses and visitors in every community.

Support for HB797 is strong. In addition to the Chesapeake Conservancy, this measure has been endorsed by the Maryland Recreation and Parks Association, American Sportfishing Association, American Canoe Association, American Whitewater, Mid-Atlantic Center National Wildlife Federation, Anacostia Watershed Society, Lower Susquehanna Heritage Greenway, Sultana Projects, Inc., Eastern Shore Land Conservancy, MD BASS, Maryland Legislative Sportsmen's Foundation, the National Parks Conservation Association, Patuxent Riverkeeper and the Maryland Coalition of Heritage Areas.

Our only suggested amendment is that road ends and roadways adjacent to our state's waterways, as appropriate, be incorporated into the legislation. We urge a favorable vote on HB-797 and thank you again for this opportunity to testify.

1921

AMERICAN CANOE ASSOCIATION
108 Hanover St | Fredericksburg, Virginia 22401
Phone: (540) 907-4460 | www.americancanoe.org

February 26, 2013

HB 797 – Improving Recreational Access to Maryland's Waterways along Bridges and Roads

The American Canoe Association (ACA) is the oldest, established in 1880, and largest paddlesports organization in the United States. The ACA focuses on four tenets: education, recreation, stewardship, and competition. We serve and provide educational programing and resources for people of all abilities and ages in Canoe, Kayak, Raft, Stand-up Paddle Boards (SUP), and Rescue.

The ACA, in part, represents the 50 million Americans who paddle at least once a year. [1] In general, we as Americans and outdoor enthusiasts deserve and need unique and sustainable access points to experience the great outdoors. Accessing America's waterways and paddling is a healthy and environmentally low impact way to enjoy the great outdoors. HB 797 would allow Maryland paddlers better, and in some cases more sustainable, access to its waterways. Increased access will help Maryland natives live a healthier lifestyle and allow more Maryland natives to experience the great outdoors.

Accessibility is an important factor in getting Americans to participate in outdoor activities. Bikers and walkers were 10% more likely to recreate outdoors if they had access to routes.[2] Access points for paddlers are more difficult to find and often not as easily accessible as those designated for other types of recreation. HB 797 would serve to alleviate this problem.

Waterway access is one of the more significant barriers for recreational use – more significant than access to equipment. Despite this, participation and interest in paddlesports continues to rise. Nationally, there are 26,664,000 recreational paddlers in the United States. Since 2006, the number of paddlers has been growing on average by about 1,596,000 per year.

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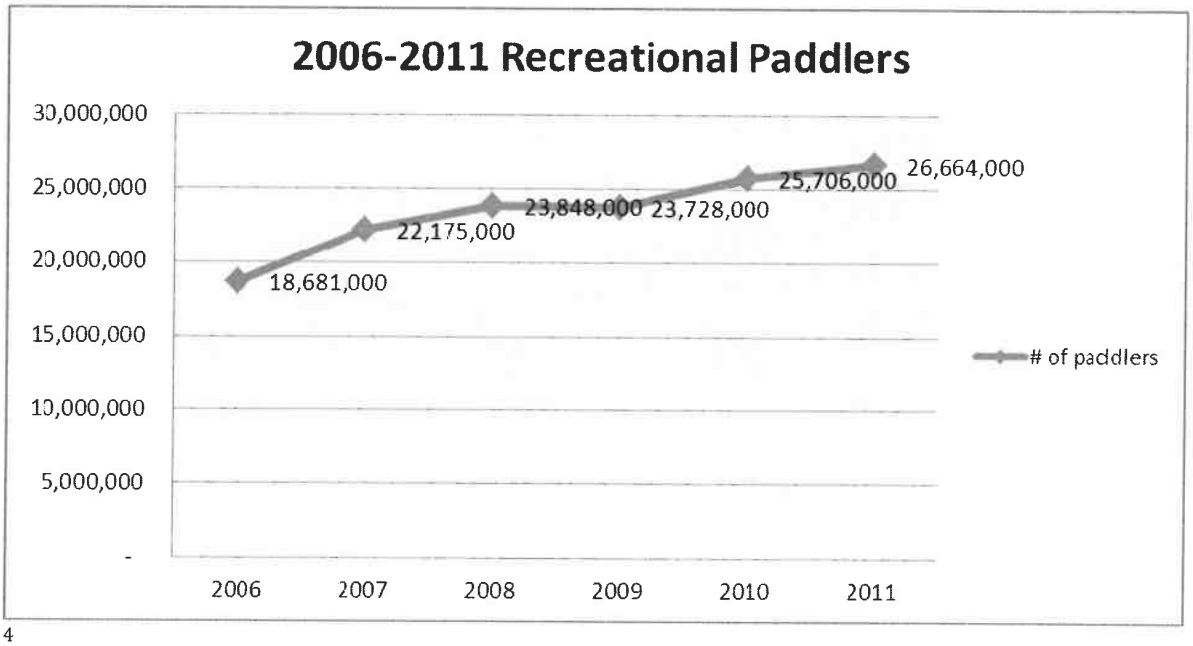
[1] NSRE (July - 2010) *National Survey on Recreation and the Environment - Paddlesports Participation Report* p 28
[2] Outdoor Foundation (January 2012) *Outdoor Recreation Participation Report* – outdoorfoundation.org, p 29

Participation in Paddlesport Activities, All Americans Ages 6 and Older[3]

Activity	2006	% of pop.	2011	% of pop.
Canoeing	9,154,000	3.30%	9,787,000	3.40%
Kayaking (SUM)	6,098,000	2.20%	11,804,000	4.10%
Rafting	3,609,000	1.30%	3,821,000	1.30%
SUP	n/a	n/a	1,242,000	0.40%
Totals	18,861,000	6.80%	26,664,000	9.20%

*all of all kayaking activities (recreational, sea touring, whitewater)

* relatively new sport



[4]

Paddlers are part of a national outdoor recreational user group that contributes $646 billon in consumer spending. Outdoor recreation, nationally, created 6.1 million direct jobs and contributed $39.9 billion in federal tax revenue and $39.7 billion in state and local tax revenue. [5]

In 2011, 43% of Maryland's population participated in outdoor recreation. Maryland's outdoor recreation segment contributed $9.5 billion in consumer spending. Outdoor recreation, in Maryland, accounted for about 85,000 jobs resulting in $2.8 billion in wages

[3] Outdoor Foundation (January 2012) *Outdoor Recreation Participation Report* – outdoorfoundation.org, p 53
[4] Outdoor Foundation (January 2012) *Outdoor Recreation Participation Report* – outdoorfoundation.org, p 53
[5] Outdoor Foundation (January 2012) The Outdoor Recreation Economy – outdoorindustry.org/recreationeconomy/Maryland

and salaries. Maryland's outdoor recreation jobs contributed to $686 million in state and local tax revenue. [6]

The paddlers and users taking part in bridge and road access to waterways help contribute to the economy. In certain upcoming bridge repairs, waterway access points can be added at no additional cost at the state or federal level – and, in some cases, may allow for expense consolidation. New access points can help Maryland's economy and help Maryland natives enjoy the great outdoors.

President Obama said in his most recent State of the Union speech "...I propose a 'Fix-It-First' program to put people to work as soon as possible on our most urgent repairs, like the nearly 70,000 structurally deficient bridges across the country..." Maryland has a unique opportunity to be a national leader, setting a standard that can help Americans more easily access and recreate on America's waterways, promote a healthier lifestyle and easier access to the great outdoors for people of all ages, and make valuable contributions to the state economy.

[6] Outdoor Foundation (January 2012) The Outdoor Recreation Economy – outdoorindustry.org/recreationeconomy/Maryland

EASTERN SHORE LAND CONSERVANCY

Serving the Middle and Upper Eastern Shore since 1990, Eastern Shore Land Conservancy is committed to preserving and sustaining the vibrant communities of the Eastern Shore and the lands and waters that connect them.

February 25, 2013

Committee: **Environmental Matters**

Subject: **HB 797 – Transportation Projects – Bridges – Water Access**

Position: **Support**

Eastern Shore Land Conservancy (ESLC) supports **House Bill 797 – Transportation Projects – Bridges – Water Access**, in order to increase the amount of waterway access to Maryland residents and visitors for recreational purposes.

Interest in recreational activities on the water has increased in recent years, but access to Maryland waterways has not. This bill would encourage greater waterway access during the construction or improvement of bridges and other Maryland transportation infrastructure. HB 797 would require Maryland Department of Transportation (MDOT) and local governments to incorporate water access for various recreational activities, whenever safe and economically feasible to do so. MDOT would also work with Maryland Department of Natural Resources (DNR) to provide an inventory of existing bridges, along with any additional improvements or bridge construction. Given that construction will already occur in areas where bridges are being built or improved, it's an ideal opportunity to include waterway access facilities with minimal impact and cost.

Currently less than 2% of tidal shoreline in the Chesapeake Bay and its surrounding rivers contain public access sites and recreational activities such as fishing, kayaking stand up-paddle boarding, canoeing and more are only continuing to grow. While transportation infrastructure often acts as a barrier between communities and the waterways, HB 797 encourages the opposite and can give Maryland residents a greater appreciation for the history and ecology of the area.

This bill is a positive step towards connecting our residents and visitors to more of Maryland's beautiful land and water. We urge a favorable report.

Contact: Josh Hastings, Policy Manger
410-827-9756 Ext. 169
jhastings@eslc.org

1927

NATIONAL WILDLIFE FEDERATION

Mid-Atlantic Regional Center
706 Giddings Avenue, Suite 2-C • Annapolis, MD 21401 • www.nwf.org

February 26, 2013

TO: Delegate Maggie McIntosh, Chair
Delegate James E. Malone, Jr., Vice Chair
Members, House Environmental Matters Committee

FROM: Tony Caligiuri, Executive Director
Mid-Atlantic Regional Center

SUBJECT: Support of HB 797: Transportation Projects – Bridges – Water Access

The National Wildlife Federation, on behalf of our more than 34,000 Maryland members, is pleased to offer our strong support of House Bill 797 to promote waterway access for fishing, canoeing, kayaking, and other appropriate recreational activities along Maryland's roads and bridges.

Since its inception in 1936, the National Wildlife Federation has worked to develop public policies that protect the environment and connect children and adults with the natural world. Significant research demonstrates that outdoor experiences greatly improve appreciation of nature and increase environmental awareness and action. A 2006 study by Wells and Lekeis found that the most direct route to caring for the environment as an adult is participating in "wild nature activities" before the age of 11.

Whether through a family fishing trip or a morning paddle, Maryland's waterways offer countless opportunities for outdoor enjoyment, stress relief, physical exercise, and mentoring the next generation of anglers, kayakers, and conservationists. Unfortunately, too many individuals face barriers to safely access our rivers and streams. One opportunity to help meet this demand and address current access limitations is to remove impediments at many of Maryland's bridge crossings, at road ends, and along roadways when these bridges and roads are being constructed or reconstructed. Similar efforts have been implemented in California, Tennessee, and North Carolina.

Maryland boasts more than 10,000 miles of rivers and streams as well as some 4,000 miles of tidal shoreline within the State's portion of the Chesapeake watershed. This incredible wealth of "blueways" supports a growing community of outdoor enthusiasts and is a boon to the local economy. According to the Outdoor Industry Association, outdoor recreation in Maryland generates $9.5 billion in consumer spending and $686 million in state and local tax revenue. Preserving access to outdoor recreation protects the economy, the businesses, the communities and the people who depend on the ability to play outside.

Your support of House Bill 797 will not only help more Marylanders access the state's waterways for outdoor recreation, but also ensure a lasting legacy of conservation. Thank you for your consideration of this important legislation.

Inspiring Americans to protect wildlife for our children's future.

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MRPA
MARYLAND RECREATION AND PARKS ASSOCIATION

Legislative Position Statement

Committee: ENV **Date:** 2/26/13 **Bill#:** HB 797
Position: Support **Title:** **Transportation Projects - Bridges - Water Access**

Explanation: This legislation proposes a series of actions to promote waterway access for fishing, canoeing, kayaking, and other appropriate recreational activities along Maryland's roads and bridges. Most notably, the legislation would encourage the state and local governments when developing a construction or improvement project involving a bridge that crosses a waterway, to incorporate, to the extent feasible, measures to provide or improve recreational water access.

Comment: The Maryland Recreation and Parks Association (MRPA) – a statewide non-profit membership organization serving more than 900 professional and citizen advocates involved in parks and recreation – strongly supports HB 797 for the following reasons.

Maryland is home to more than 10,000 miles of rivers and streams as well as some 4,000 miles of tidal shoreline within the State's portion of the Chesapeake watershed. Yet accessing these waterways is often very difficult for the growing number of people who wish to use them for fishing, canoeing, kayaking, and other recreational activities.

One way to improve access is along our State's bridge crossings, road ends, or roadways adjacent to waterways when they are being constructed or reconstructed. Many of these bridges and roads were planned and designed without any consideration of how access to the waterway for recreational use could be safely and reasonably accommodated or improved. They lack safe shoulders, pull-off areas or parking that could keep canoeists, kayakers, and anglers safe from automobile and truck traffic.

Modeled on similar efforts in a variety of other states, HB 797 would enhance waterway access by: 1) creating an inventory of all the bridges crossing navigable and fishable rivers and streams to identify bridges and approach roadways where waterway access for fishing, canoeing and kayaking can be provided reasonably and safely; 2) requiring State and local transportation departments to review all bridge construction and reconstruction projects currently in the planning and design process to ensure that waterway access is incorporated into the anticipated scope of work; and 3) ensuring that waterway access for anglers, canoeists and kayakers is given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization.

This legislation would help promote outdoor recreational opportunities for families, and greatly improve safety for recreational users and motorists alike, while also helping to stimulate the economies and livability of local communities, and enhance the health and quality of life of our citizens. Thus, MRPA strongly supports HB 797 and urges a favorable committee report.

For Information: Tom Donlin, Executive Director 301-352-7203
Jeffrey W. Smith, Vice President and Co-Chair – Legislative Committee 301-717-4527

Montgomery County
Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550 ANNAPOLIS (toll free): 301-261-2461

HB 797 **DATE: February 26, 2013**

SPONSOR: Delegate McIntosh, *et al.*

ASSIGNED TO: Environmental Matters

CONTACT PERSON: Sara Morningstar

POSITION: SUPPORT

Transportation Projects - Bridges - Water Access

House Bill 797 would require, to the extent feasible, the Maryland Department of Transportation and local governments to include water access improvements to bridge projects that cross a waterway in order to provide access for fishing, canoeing, and kayaking. Additionally, both entities must consult with the Maryland Department of Natural Resources to establish an inventory of bridges and approach highways to bridges that, with safe and reasonable improvements, could become amenable to expanded public recreational access to the Chesapeake watershed's waterways.

Several states throughout the country have recognized the recreational and economic value of adopting improved waterway access accommodations at bridge crossings. North Carolina and Tennessee, for example, have directed their transportation departments to partner with their state's wildlife commissions to consider features that can be incorporated into a project's design at nominal cost. Identifying feasible recreational access improvements to rivers and streams during the planning process could, in some cases, be minimal because construction will have already taken place during a bridge's construction or repair.

Montgomery County supports this laudable effort promoting outdoor recreation, environmental stewardship, and economic revitalization through ecotourism and development of water trails. We must note, however, that if water access sought under this bill is required to be ADA compliant, actual improvement costs could exceed the feasibility of the project.

According to the Outdoor Foundation, three out of every four Americans participate in active outdoor recreation each year. For Marylanders, we are drawn to the beauty of the Chesapeake Bay. House Bill 797 will encourage improved access to the Bay's waterways and will make getting outside something more than a "nice to have" bonus for our state.

We would urge that the Committee adopt a favorable report on the bill.

Maryland Department of Transportation
Office of the Secretary
7201 Corporate Center Drive
Hanover MD 21076

Committee: ENV **Date:** 2/26/13 **Bill #:** HB 797

Position: SUPPORT WITH AMENDMENT **Title:** Transportation Projects - Bridges - Water Access

Explanation: House Bill 797 requires local governments and the Maryland Department of Transportation (MDOT), when developing a construction or improvement project involving a bridge that crosses a waterway, to incorporate, to the extent feasible, measures to provide or improve water access for fishing, canoeing, kayaking, or any other appropriate water dependent recreational activity. Local governments and MDOT, in consultation with the Department of Natural Resources (DNR) and interested stakeholders, must establish an inventory of bridges and approach highways to bridges that cross navigable waters or waterways amenable to fishing activity at which waterway access may be provided or improved reasonably and safely. Local governments and MDOT must review all bridge construction and improvement projects that are in the planning or design phase to determine which of these projects can safely and reasonably incorporate the provision of, or improvements to, waterway access for fishing, canoeing, kayaking, or any other appropriate water dependent recreational activity.

Comment: The Maryland Department of Transportation (MDOT) and Maryland Transportation Authority (MDTA) support HB 797 with amendments to address implementation issues prompted by the legislation.

MDOT and MDTA support the objective of HB 797 to encourage safe access to Maryland's waterways where appropriate. However, the specific components of the bill raise several issues and questions related to security, program planning, resource allocation and design. These impact multiple state agencies, beginning with MDOT and DNR as well as local governments whose property and facilities often abut these waterways.

From MDOT's perspective, one main question concerns funding sources. Previously efforts proposed under HB 797 would have been directed towards the federal Transportation Enhancement Program where this type of project could have been approved. However, under MAP-21, this program was changed to Transportation Alternatives. Under this program, types of projects eligible are more limited and are not eligible on State Highway Administration projects. Therefore, new mechanisms need to be determined.

In addition, appropriate amendments will be necessary to bring increased definitional clarity to terms utilized in the legislation. These include refining of feasibility, as well as clarity on to whom access would need to be provided for (bicyclist? boaters? pedestrians?). There are also considerations to be factored related to the impact of required expanded stakeholder consultation on waterway access that relate to potentially increased project delivery time, or changes in project scale.

That said, MDOT has already begun discussions with DNR, the sponsor, and stakeholders to collaboratively address relevant issues by amendment. Those efforts are accelerating, and MDOT is optimistic they will be successful in yielding agreed upon amendments in time for the committee to consider and act upon them.

Therefore, MDOT and MDTA respectfully requests that upon receipt of those amendments, the Committee adopt them, and then grant HB 797 a favorable report.

For Information: Doug Simmons 410-545-0411
Martin Harris 410-859-6870

MARYLAND Association of COUNTIES

House Bill 797

Transportation Projects – Bridges – Water Access

Affiliate Position: **SUPPORT**

Date: February 26, 2013

To: Environmental Matters Committee

From: Maryland Association of County Park and Recreation Administrators

The Maryland Association of County Park and Recreation Administrators, an affiliate of the Maryland Association of Counties (MACo), **SUPPORTS** HB 797. The bill would promote safe and reasonable canoe, kayak, and fishing access along Maryland's bridges and roadways without imposing a costly new mandate on local governments.

The bill requires state and local transportation departments to consider public waterway access during all bridge construction and reconstruction currently in the planning and design process, except where such use could not be provided safely and reasonably. It broadens the scope of comprehensive transportation planning to include the interests of waterway access, just as pedestrian and non-motorized modes of travel are considered in traditional roadway design.

One affiliate member county (Caroline) attempted to accomplish this type of waterway access modification within the context of a State Highway Administration (SHA) bridge replacement process in 2010 along the Upper Choptank River, but was unsuccessful. The State project had moved too far on the project development continuum to allow the adjustment specifically proposed by the county waterway access advocates. This legislation creates a space in the project planning process for possibility. SHA project management protocols for smaller bridge replacement projects do not always hold the "level of significance" necessary to engage local jurisdictions in the comment period for larger projects. Under that scenario, members of this Affiliate learn about the projects too late to influence the outcome.

Public waterway access is significant in the Land Preservation and Recreation Master Plans of the Affiliate. HB 797 does not mandate that public waterway access be a condition of bridge construction or replacement, but it does engage the thinking of the project manager and public recreation advocate to consider adjustments that are relatively insignificant compared to the overall project cost.

We endorse the efforts of this Committee's leadership to expand the administrative process surrounding bridge construction projects to consider waterway access. Accordingly, the Affiliate requests that the Committee issue a **FAVORABLE** report on HB 797.

169 Conduit Street, Annapolis, MD 21401
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MAGGIE MCINTOSH
43rd Legislative District
Baltimore City

Chair
Environmental Matters Committee

The Maryland House of Delegates
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The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

Transportation Projects – Bridges – Water Access
HB 797

Testimony offered by Delegate Maggie McIntosh
Tuesday, February 26, 2013

The heart of Maryland – its industry, its agriculture, its history – and the heart of so much of the legislation that passes through this Committee is the Chesapeake Bay and the waterways of our State. So much of what we do, here, centers around the protection of this unique resource, and while we may disagree on the priorities and principals with regards to development on our shores, each of us cherishes the Chesapeake Bay.

This bill, which I present to you on behalf of the Chesapeake Conservancy and a broad coalition of other organizations that support the initiative, seeks to help Marylanders take advantage of their proximity to the State's waterways by providing improved access points for recreational activities such as canoeing, kayaking and fishing; activities which encourage participants to cherish and protect the Bay.

The bill achieves these goals not through a massive spending or investment in new infrastructure, but by taking advantage of already approved DOT projects and encouraging them, when feasible, to include improved access to the waterways that the projects touch. Additionally, counties and municipalities will, in consultation with the Department of Natural Resources and other interested stakeholders, create an inventory of bridges and approach highways to bridges which would be amenable, reasonably and safely, to water-dependent activities.

Improved access for canoeing, kayaking and fishing will contribute to the quality of life of all Marylanders, and encourage them to participate actively in the protection and conservation of the Chesapeake Bay. Additionally, improving access to the Bay will make the areas around Maryland's many waterways even more attractive to visitors to the state, supporting the tourism development initiatives such as the Maryland Heritage Areas and the John Smith Water Trail.

I strongly encourage your favorable report.

February 15, 2013

The Honorable Maggie McIntosh
Chair, Environmental Matters Committee
House Office Building, Room 251
6 Bladen St.
Annapolis, MD 21401

Dear Delegate McIntosh,

We are writing to commend you for introducing House Bill 797 to promote waterway access for fishing, canoeing, kayaking, and other appropriate recreational activities along Maryland's roads and bridges.

While recreational activities such as fishing, canoeing, and kayaking continue to grow in popularity, access to the water itself remains limited in Maryland and across the Chesapeake Bay watershed. One opportunity to help meet this demand and address current access limitations is to remove impediments to access at many of our region's bridge crossings, at road ends, and along roadways when these bridges and roads are being constructed or reconstructed. Such access can be accomplished with little, if any, cost because construction at potential access areas will already occur during bridge or road construction or repair and because this is already a public right-of-way. Consequently, access features could easily be incorporated into project design for minimal cost.

We believe the provisions in your bill would greatly improve safety for recreational users and motorists alike, address the access needs of our citizens, help stimulate the economies and livability of local communities, promote environmental sustainability, and enhance the health and quality of life of our citizens.

We thank you for introducing this important piece of legislation, and stand ready to assist you in advancing the measure through the Maryland General Assembly.

Sincerely,

Joel E. Dunn
Executive Director
Chesapeake Conservancy

Mark Singleton
Executive Director
American Whitewater

Gordon Roberts
Vice President
American Sportfishing Association

Wade Blackwood
Executive Director
American Canoe Association

Thomas L. Donlin
Executive Director
Maryland Recreation and
Parks Association

Tony Caligiuri
Director
Mid-Atlantic Regional Office,
National Wildlife Federation

Enclosure: *Chesapeake Conservancy applauds effort to expand Maryland waterways access*

CC: Hon. Martin O'Malley
Hon. Michael Miller, President of the Maryland Senate
Hon. Michael Busch, Speaker of House of Delegates
Hon. Darrell Mobley, Acting Secretary, Maryland Department of Transportation
Hon. John Griffin, Secretary, Maryland Department of Natural Resources

Chesapeake Conservancy applauds effort to expand Maryland waterways access

The Chesapeake Conservancy today commended Delegates Maggie McIntosh, chair of the Environmental Matters committee, Barbara Frush, and Shane Robinson for introducing a bill that could expand fishing and kayak and canoe access to Maryland's rivers, streams and waterways.

Their bill, House Bill 797, would require state and local departments of transportation that are planning new bridges or improvements to existing bridges to "incorporate, to the extent feasible, measures to provide or improve in the vicinity of the bridge water access for fishing, canoeing, kayaking, or any other appropriate water dependent recreational activity."

The bill further instructs these departments, in cooperation with the Department of Natural Resources and interested stakeholders, to create an inventory of bridges and approach highways to bridges that cross waterways where fishing may be possible and where the waterway access may be provided or improved reasonably and safely.

Charlie Stek, Chairman of the Board of the Chesapeake Conservancy, said "As one who has kayaked, fished, or explored most of Maryland's waterways I know the need for more safe recreational access. Bridges can provide that access cheaply and effectively, and we applaud Delegates McIntosh, Frush, and Robinson for advancing this idea."

Joel Dunn, Executive Director of the Chesapeake Conservancy, noted that access to the waters of the bay and its rivers remains very limited while participation in fishing, canoeing, kayaking and other recreational activities continues to grow.

Strengthening the connection between people and the watershed, including its streams and rivers, is part of the Chesapeake Conservancy's mission, Dunn noted. "Making these connections by improving access is one of our top priorities," he said.

Del. McIntosh said, "We introduced this bill because more safe access to our waterways from public land will promote healthy, outdoor recreation and a better understanding of our state's natural riches and beauty, and because we see in bridges a real opportunity to create that access."

Most of the more than 5,100 bridges in Maryland are designed and built in ways that limit access rather than enable it. They lack pull-off areas and parking and often have high guardrails make getting to the water difficult. Yet recreational access to these waterways could be created relatively quickly, at little cost and would provide substantial benefits to the economy, roadway and waterway safety and public health.

Bridge construction requires staging areas and parking spots next to the construction. These facilities are often removed once the bridge is built, but could inexpensively be included as permanent amenities in project design and construction and left to provide public access to the water.

The Chesapeake Conservancy is leading a coalition of groups supporting access at bridges and roadways adjacent to waterways that includes the Maryland Recreation and Parks Association, American Canoe Association, American Sportfishing Association, American Whitewater, and Mid-Atlantic Center of National Wildlife Federation.

Community Commons

154 West Patrick Street
Frederick, MD 21701

25 February 2013

The Honorable Maggie McIntosh
Chair, Environmental Matters Committee
House of Delegates
6 Bladen Street
Annapolis, MD 21401

RE: Support for Maryland House Bill 797

Dear Delegate McIntosh:

Frederick Community Commons supports Maryland House Bill 797, to expand fishing and kayak and canoe access to Maryland's rivers, streams and waterways.

Community Commons was part of the effort to establish the Monocacy Scenic River Water Trail, in coordination with the National Park Service and the Chesapeake Bay Gateways Network. In the years since its inception, the River Trail has been very successful in Frederick County to promote responsible boating on the Monocacy River and encourage the enjoyment of our natural areas. This project could serve as a model for improved access in other parts of Maryland and around the Chesapeake Bay region.

Since the early 1970s, Community Commons has supported community-based conservation projects in the Monocacy River region. Established as a nonprofit organization in late 1977, we are dedicated to building a sustainable future for the region's social and natural resources through education, outreach and partnership building.

Best Regards,
Margaret M. Kline
Margaret M. Kline
President, Community Commons

ANALYST: CARLSON, PATRICK (X5367)

SENATE FINANCE COMMITTEE - 2013 SESSION

HOUSE BILL 797 – TRANSPORTATION PROJECTS - TRANSPORTATION FACILITIES – WATER ACCESS

SPONSOR: (DELEGATE MCINTOSH, ET AL.)

HOUSE BILL 797 REQUIRES LOCAL GOVERNMENTS AND THE DEPARTMENT OF TRANSPORTATION, WHEN DEVELOPING A CONSTRUCTION OR IMPROVEMENT PROJECT INVOLVING A BRIDGE OR OTHER TRANSPORTATION FACILITY THAT IS ADJACENT TO OR THAT CROSSES A WATERWAY, TO CONSIDER ANY REASONABLE AND APPROPRIATE MEASURES TO PROVIDE OR IMPROVE WATER ACCESS FOR FISHING, CANOEING, KAYAKING, OR ANY OTHER NON-MOTORIZED WATER DEPENDENT RECREATIONAL ACTIVITY.

LOCAL GOVERNMENTS AND THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND INTERESTED STAKEHOLDERS, MUST ESTABLISH:

- STANDARDS AND GUIDELINES FOR IDENTIFYING APPROPRIATE BRIDGES AND OTHER TRANSPORTATION FACILITIES TO BE CONSIDERED FOR THE PROVISION OR IMPROVEMENT OF WATER ACCESS; AND
- BEST PRACTICES AND COST-EFFECTIVE STRATEGIES FOR ACCOMMODATING WATER ACCESS.

THERE ARE NO AMENDMENTS.
THERE WAS NO OPPOSITION AT THE COMMITTEE HEARING.
I MOVE ADOPTION OF THE FAVORABLE COMMITTEE REPORT.

Maggie McIntosh
43rd Legislative District
Baltimore City

Chair
Environmental Matters Committee

The Maryland House of Delegates
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The Maryland House of Delegates
Annapolis, Maryland 21401

Transportation Projects – Bridges – Water Access
HB 797

Testimony offered by Delegate Maggie McIntosh
April 2, 2013

The heart of Maryland – its industry, its agriculture, its history – and the heart of so much of the legislation that passes through this Committee is the Chesapeake Bay and the waterways of our State. So much of what we do, here, centers around the protection of this unique resource, and while we may disagree on the priorities and principals with regards to development on our shores, each of us cherishes the Chesapeake Bay.

This bill, which I present to you on behalf of the Chesapeake Conservancy and a broad coalition of other organizations that support the initiative, seeks to help Marylanders take advantage of their proximity to the State's waterways by providing improved access points for recreational activities such as canoeing, kayaking and fishing; activities which encourage participants to cherish and protect the Bay.

The bill achieves these goals not through a massive spending or investment in new infrastructure, but by taking advantage of already approved DOT projects and encouraging them, when feasible, to include improved access to the waterways that the projects touch.

Improved access for canoeing, kayaking and fishing will contribute to the quality of life of all Marylanders, and encourage them to participate actively in the protection and conservation of the Chesapeake Bay. Additionally, improving access to the Bay will make the areas around Maryland's many waterways even more attractive to visitors to the state, supporting the tourism development initiatives such as the Maryland Heritage Areas and the John Smith Water Trail.

This bill passed out of the House Environmental Matters Committee unanimously, and has bi-partisan sponsorship. It is also supported by the Departments of Natural Resources and Transportation. The House of Delegates approved the legislation with a vote of 129 -4.

I strongly encourage your favorable report.

MRPA
MARYLAND RECREATION AND PARKS ASSOCIATION

Legislative Position Statement

Committee: FIN **Date:** 4/02/13 **Bill#:** HB 797
Position: Support **Title:** Transportation Projects – Transportation Facilities - Water Access

Explanation: This legislation proposes a series of actions to promote waterway access for fishing, canoeing, kayaking, and other appropriate recreational activities along Maryland's roads and bridges. Most notably, the legislation would encourage the state and local governments when developing a construction or improvement project involving a bridge or other transportation facility that crosses a waterway, to incorporate, to the extent feasible, measures to provide or improve recreational water access.

Comment: The Maryland Recreation and Parks Association (MRPA) – a statewide non-profit membership organization serving more than 900 professional and citizen advocates involved in parks and recreation – strongly supports HB 797 as amended for the following reasons.

Maryland is home to more than 10,000 miles of rivers and streams as well as some 4,000 miles of tidal shoreline within the State's portion of the Chesapeake watershed. Yet accessing these waterways is often very difficult for the growing number of people who wish to use them for fishing, canoeing, kayaking, and other recreational activities.

One way to improve access is along our State's bridge crossings, road ends, or roadways adjacent to waterways when they are being constructed or reconstructed. Many of these bridges and roads were planned and designed without any consideration of how access to the waterway for recreational use could be safely and reasonably accommodated or improved. They lack safe shoulders, pull-off areas or parking that could keep canoeists, kayakers, and anglers safe from automobile and truck traffic.

Modeled on similar efforts in a variety of other states, HB 797 would enhance waterway access by: 1) creating standards and guidelines for identifying appropriate transportation facilities for certain water access and best practices and cost effective strategies to accommodate certain water access, 2) requiring that the Maryland Department of Transportation and local governments, when developing a construction or improvement project involving a bridge that or other transportation facility that is adjacent to or crosses a waterway, to incorporate, to the extent feasible, consider any reasonable and appropriate measures to provide or improve certain water access.

This legislation would help promote outdoor recreational opportunities for families, and greatly improve safety for recreational users and motorists alike, while also helping to stimulate the economies and livability of local communities, and enhance the health and quality of life of our citizens. Thus, MRPA strongly supports HB 797 as amended and urges a favorable committee report.

For Information: Tom Donlin, Executive Director 301-352-7203
Jeffrey W. Smith, Vice President and Co-Chair – Legislative Committee 301-717-4527

Maryland Department of Transportation
Office of the Secretary
7201 Corporate Center Drive
Hanover MD 21076

Committee: FIN **Date:** 4/2/13 **Bill #:** HB 797

Position: SUPPORT **Title:** Transportation Projects – Transportation Facilities-Water Access

Explanation: House Bill 797 requires local governments and the Maryland Department of Transportation (MDOT), when developing a construction or improvement project involving a bridge or other transportation facility that is adjacent to or that crosses a waterway, to consider any reasonable and appropriate measures to provide or improve water access for non-motorized water-dependent recreational activity. It would also require local governments and MDOT to develop standards and guidelines for implementing the provisions of the bill

Comment: The Maryland Department of Transportation (MDOT) supports HB 797.

MDOT supports the objective of HB 797 to encourage safe access to Maryland's waterways where appropriate. Considering safe and appropriate measures to allow for water access is consistent with MDOT's commitment to assuring that the transportation system supports the quality of life of all Marylanders.

The bill also requires MDOT to work with stakeholders and the Department of Natural Resources (DNR) to develop a guidance document to implement and further clarify components that should be made in considering water access. This document will be useful in detailing how water access will be determined and provided.

The measures enacted by HB 797 will help the state, local governments, and citizens collaborate to support safe access to Maryland's waterways. For these reasons, MDOT respectfully requests that the Committee grant HB 797 a favorable report.

For Information: Matthew Garbark 410-736-9634
Martin Harris 410-859-6870

Montgomery County
Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550 ANNAPOLIS (toll free): 301-261-2461

HB 797 **DATE: April 2, 2013**

SPONSOR: Delegate McIntosh, *et al.*

ASSIGNED TO: Finance

CONTACT PERSON: Sara Morningstar

POSITION: SUPPORT AS AMENDED

Transportation Projects - Bridges - Water Access

House Bill 797 would require the Maryland Department of Transportation and local governments to consider reasonable and appropriate measures in developing water access improvements to bridges and other transportation projects that cross a waterway in order to provide access for fishing, canoeing, kayaking and other non-motorized water recreation activity. Additionally, both entities must consult with the Maryland Department of Natural Resources to establish standards and guidelines for identifying bridges and other transportation facilities to be considered for water access improvement provision.

Several states throughout the country have recognized the recreational and economic value of adopting improved waterway access accommodations at bridge crossings. North Carolina and Tennessee, for example, have directed their transportation departments to partner with their state's wildlife commissions to consider features that can be incorporated into a project's design at nominal cost. Identifying feasible recreational access improvements to rivers and streams during the planning process could, in some cases, be minimal because construction will have already taken place during a bridge's construction or repair.

Montgomery County supports this laudable effort promoting outdoor recreation, environmental stewardship, and economic revitalization through ecotourism and development of water trails. We must note, however, that if water access sought under this bill is required to be ADA compliant, actual improvement costs could exceed the feasibility of the project.

According to the Outdoor Foundation, three out of every four Americans participate in active outdoor recreation each year. For Marylanders, we are drawn to the beauty of the Chesapeake Bay. HB 797 will encourage improved access to the Bay's waterways and will make getting outside something more than a "nice to have" bonus for our state.

We would urge that the Committee adopt a favorable report on the bill.

Statement of Charles A. Stek, Chairman, Chesapeake Conservancy,
before the Senate Finance Committee, Maryland General Assembly,
Hearing on HB 797, Supporting Safe and Reasonable Recreational Water Access along Maryland's Bridges and Roads.
April 2, 2013

Thank you Mr. Chairman and Members of the Committee for this opportunity to submit testimony in support of HB 797, promoting safe and reasonable water access for fishing, kayaking, canoeing and other appropriate recreational activities along Maryland's bridges.

I have the privilege of serving as Chairman of the Board of the Chesapeake Conservancy, a non-profit organization whose mission is to strengthen the connection between people and the watershed through improved public recreational access, land conservation, education and heritage tourism. I am also a paddler, an amateur fisherman, and have traveled extensively throughout Maryland exploring our waterways. I know from first-hand experience and from the stories of citizens and organizations throughout this region that there is a great need and demand for improved recreational access to our State's waters. We believe that Maryland's bridges and adjacent roadways offer terrific opportunities to expand access to the State's 10,000 miles of rivers and streams and Chesapeake tidal waters. They often provide the **only** means of access to those waters. There is strong support for this initiative and many public benefits that would accrue from its enactment.

Some communities have already recognized this and have worked effectively with state and local transportation agencies to provide parking and other accommodations for recreational access at bridges crossing their rivers. Access points at bridges crossing the Monocacy River in Frederick County and Carroll Counties are good examples. These accommodations have improved safety, recreational opportunities, tourism and the quality of life in the local communities.

But they are the exception, rather than the rule.

Many, if not most, of the bridges and roadways adjacent to navigable and fishable waterways in Maryland were planned, designed and constructed without any consideration of how safe access to the waterway from the bridge or roadway could be accommodated or improved for fishing, kayaking or other appropriate recreational uses. They lack safe shoulders, pull-off areas or parking that could keep anglers and canoeists safe from automobile and truck traffic. They often have guardrails or other design components that unreasonably or unnecessarily (from a highway safety perspective) obstruct access to the water.

Two bridges crossing the Patuxent River in Montgomery and Howard Counties right near my home and the bridge on Elliott's Island Road near Vienna in Dorchester County are typical examples. These bridges are currently used by the paddlers and anglers to access the waterways, but pose safety problems for recreational users and motorists alike.

A bridge replacement project now underway on MD 287 in Caroline County is actually eliminating a place traditionally used by canoeists and anglers to access the Upper Choptank River, despite the county's and community's support for retaining this access. And when this access is cut off with a restrictive new or reconstructed bridge – it is cut off for years, if not decades.

We believe HB 797 offers a very reasonable, systematic and cost-effective approach for protecting and improving recreational access to waterways along Maryland's roads and bridges. As amended, it contains two simple provisions:

First, it requires the Maryland Department of Transportation and local governments to consider any "reasonable and appropriate measures" to provide or improve water access for fishing, canoeing and kayaking when developing a bridge or road construction or improvement project that is adjacent to or crosses a waterway.

Second, it requires MDOT and local governments to establish standards and guidelines, in consultation with Maryland DNR and interested stakeholders, for identifying appropriate transportation facilities for water access as well as best practices and cost effective strategies to accommodate that access.

Waterway access improvements at bridges can be accomplished with little, if any, potential cost because –

- access features would be incorporated into project planning and design at an early stage in process;
- no land acquisition would be required, because these potential access areas are already located in a public right-of-way;
- Improvements for access would only occur during the normal schedule for bridge or road repair, reconstruction or construction and economies can be achieved in the process. For example, staging areas are created for most bridge and highway construction or reconstruction projects. In many instances these staging areas – expanded shoulders, parking, etc. -- are removed after the project is completed, at a cost to the project. Rather than remove them, state and local transportation departments could leave them in place to provide parking for boaters and anglers.

That's precisely what happened during recent County repairs to my road. A staging area was created near the river to do the repairs and, if retained, will provide a safe place to park for people wanting to access the river, at no additional cost for the access improvement.

During the 2000 legislative session, the Maryland General Assembly enacted the Bicycle and Pedestrian Access Act to systematically address the needs and safety of pedestrians and bicycle riders using Maryland's transportation facilities. HB797 is modeled on those accommodations as well as similar waterway access efforts in Tennessee, North Carolina and California. It is consistent with the public access goals of the Chesapeake Bay Agreements, as well as the goals of the Maryland Department of Transportation and the State Highway Administration to improve highway safety, protect and enhance the natural environment, and create a positive experience for residents, businesses and visitors in every community. It will enhance outdoor recreational opportunities for families, greatly improve safety for recreational users and motorists alike, help stimulate the economies and livability of local communities, and enhance the health and quality of life of our citizens.

Support for HB797 is strong and wide-spread across many diverse organizations -- education, sportsmen, conservation, and recreation. We urge a favorable vote on HB-797.

The Maryland Legislative Sportsmen's Foundation

The Sportsmen's Best Friend in Annapolis

Date: April 2, 2013

To: THE HONORABLE THOMAS M. MIDDLETON
HONORABLE MEMBERS, SENATE FINANCE COMMITTEE

From: David Sutherland, Chair
William R. Miles, Vice-Chair

RE: SUPPORT AS AMENDED – House Bill 797 (Transportation Projects – Bridges – Waterway Access)

The non-partisan Maryland Legislative Sportsmen's Foundation (MLSF) works on behalf of current and future generations of Maryland Sportsmen not only by helping to conserve, promote and protect Maryland's coveted open space lands, wildlife and habitat, but also by safeguarding their traditional rights to hunt, fish, trap and enjoy the lawful use of their firearms. MLSF respectfully requests favorable consideration of House Bill 797 for reasons stated herein.

The sportsmen's community of Maryland requested the Chair of the House Environmental Matters Committee to introduce House Bill 797. This Act is intended to provide greater access to Maryland's vast waterways. Few states can boast of 10,000 miles of rivers and streams as well as 4,000 plus miles of tidal shoreline. However, recreational access is often restricted largely because of private ownership and attendant riparian rights. Thus, a policy promoting public access in proximity to publicly-financed Maryland's bridge crossing, road ends and other roadways adjacent makes sense and, arguably, is really a last resort for many. As amended, the bill creates an inclusive stakeholder process – under the purview of the applicable public body – to develop "standards and guidelines for identifying appropriate bridges and other transportation facilities to be considered for the provision or improvement of water access."

The fiscal implications stemming from the bill as introduced clearly have been mitigated by the amendments adopted by the House. Moreover, the Senate Finance Committee should be mindful there are about 450,000 anglers and hunters who spent $815 million last year in Maryland. Approval of House Bill 797 would be interpreted by the sportsmen of Maryland as an appreciative return on their investment.

Attached for the Committee's information is the most recent economic assessment as provided by the Congressional Sportsmen's Foundation.

MLSF urges a favorable vote on House Bill 797 as amended.

NATIONAL WILDLIFE FEDERATION

Mid-Atlantic Regional Center
706 Giddings Avenue, Suite 2-C • Annapolis, MD 21401 • www.nwf.org

April 2, 2013

TO: Senator Thomas M. Middleton, Chair
Senator John C. Astle, Vice Chair
Members, Senate Finance Committee

FROM: Tony Caligiuri, Executive Director
Mid-Atlantic Regional Center

SUBJECT: Support as Amended HB 797: Transportation Projects – Bridges – Water Access

The National Wildlife Federation, on behalf of our more than 34,000 Maryland members, is pleased to offer our strong support of House Bill 797 as amended to promote waterway access for fishing, canoeing, kayaking, and other appropriate recreational activities along Maryland's roads and bridges.

Since its inception in 1936, the National Wildlife Federation has worked to develop public policies that protect the environment and connect children and adults with the natural world. Significant research demonstrates that outdoor experiences greatly improve appreciation of nature and increase environmental awareness and action. A 2006 study by Wells and Lekeis found that the most direct route to caring for the environment as an adult is participating in "wild nature activities" before the age of 11.

Whether through a family fishing trip or a morning paddle, Maryland's waterways offer countless opportunities for outdoor enjoyment, stress relief, physical exercise, and mentoring the next generation of anglers, kayakers, and conservationists. Unfortunately, too many individuals face barriers to safely access our rivers and streams. One opportunity to help meet this demand and address current access limitations is to remove impediments at many of Maryland's bridge crossings, at road ends, and along roadways when these bridges and roads are being constructed or reconstructed. Similar efforts have been implemented in California, Tennessee, and North Carolina.

Maryland boasts more than 10,000 miles of rivers and streams as well as some 4,000 miles of tidal shoreline within the State's portion of the Chesapeake watershed. This incredible wealth of "blueways" supports a growing community of outdoor enthusiasts and is a boon to the local economy. According to the Outdoor Industry Association, outdoor recreation in Maryland generates $9.5 billion in consumer spending and $686 million in state and local tax revenue. Preserving access to outdoor recreation protects the economy, the businesses, the communities and the people who depend on the ability to play outside.

Your support of House Bill 797 will not only help more Marylanders access the state's waterways for outdoor recreation, but also ensure a lasting legacy of conservation. Thank you for your consideration of this important legislation.

Inspiring Americans to protect wildlife for our children's future.

FSC MIX FSC® C008810

SENATE FINANCE COMMITTEE - HEARING ON HB0797

Transportation Projects - Transportation Facilities - Water Access
Sponsored By: Delegate McIntosh, et al

WITNESSES REQUESTING A FAVORABLE REPORT

Name(s) of Witness(es)	Entity Represented	Witness Telephone #
Matt Garbark	MDOT / SHA	410 859-6870
Jeffrey Smith - Written Only!	MD Rec / Parks Assoc.	301 717-4927
Charlie Stek - [redacted]	Chesapeake Conservancy	301 575-7957
Emily Myron - written	Chesapeake Conservancy	240-372-0792

WITNESSES REQUESTING A FAVORABLE WITH AMENDMENTS REPORT

Name(s) of Witness(es)	Entity Represented	Witness Telephone #

WITNESSES REQUESTING AN UNFAVORABLE REPORT

Name(s) of Witness(es)	Entity Represented	Witness Telephone #

Senate Finance Committee

Voting Record - 2013 Session

Bill/Resolution Number: HB 797

Vote Date: 4/2/2013

Final Action: FAV

Motion:

☑ Favorable ☐ Favorable with Amendment ☐ Unfavorable ☐ Withdrawn by Sponsor

☐ No Motion ☐ Referred to Interim - Summer Study ☐ Re-referred to: _____

Name	Yea	Nay	Abstain	Excused	Absent
MIDDLETON, T., CHAIR	✓				
ASTLE, J., VICE CHAIR	✓				
GARAGIOLA, R.	✓				
GLASSMAN, B.	✓				
KELLEY, D.	✓				
KITTLEMAN, A.	✓				
KLAUSMEIER, K.	✓				
MATHIAS, J.	✓				
PIPKIN, E.	✓				
PUGH, C.	✓				
RAMIREZ, V.	✓				
Totals	11				

Amendment Numbers, Consent Bill lists, Other

Committee Reporter: ps